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MORAL and POLITICAL

DIALOGUES

BETWEEN

DIVERS EMINENT PERSONS

OF THE

PAST and PRESENT AGE;

WITH

CRITICAL and EXPLANATORY NOTES

By the EDITOR.

Reſpicere exemplar morum vitæque jubebo
Doctum imitatorem, et veras hinc ducere voces. HOR.

THE SECOND EDITION.

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PREFACE

To the FIRST Edition.

AS ſoon as my good fortune had thrown the following curious dialogues into my hands, I determined forthwith to give them in full meaſure, and in the beſt manner, to the deſerving public. With this view, having enriched them with a courſe of *Notes critical and explanatory*, I ſent them to a bookſeller of good credit, and acquainted him in a civil way, that though I demanded for myſelf but a moderate ſhare of the profits, I ſhould conſent to a pretty large impreſſion. I even intimated to him, that I ſhould not be diſpleaſed, if he took to himſelf the benefit of running off *two thouſand* copies.

Calling upon him ſome days afterwards to know if he had conſidered my propoſal, the provoking man drew me inſenſibly into the following converſation, which, for certain reaſons, I have fancied may not be unacceptable to the public.

Accept it then, courteous reader, in the very terms in which it passed between us; and if there be any instruction to be gathered from it to thyself, *fruere et lætare*.

BOOKSELLER.

Two thousand copies!—I tell you honestly, Sir, I dare venture on no more than *Two hundred and fifty*.

EDITOR.

What, not venture largely on these dialogues? Look you, Mr.——, I take you for a man of sense and knowledge in your business. You cannot be ignorant that what I offer you is no vulgar trash of either ancient or modern pens. You have here a collection of choice and authentic conversations; not between men of obscure names, or, which is still worse, between those shadows of men without name, the A's and B's of every alphabet. The speakers in these dialogues are real persons; men, once fairly existing in the world, nay, and the most respectable of their times, the very same, many of them, whose works you sell so well, and so creditably live by.

BOOKSELLER.

True, Sir; but posthumous works, you know——. EDI-

EDITOR.

I grant you, as to ſermons of divines, or even eſſays and fragments of politicians. But theſe, though poſthumous, are of much better birth; complete pieces, I aſſure you; and though not intended for the public eye, drawn up with as much fidelity and exactneſs as if they were. And let me tell you, the very circumſtance of their having paſſed in private between friends gives them ſo much the air of a ſecret, that it cannot fail to pique the reader's curioſity, and carry off a large impreſſion.

BOOKSELLER.

Indeed, Sir, if the ſubjects had been of a happier caſt, that daſh of a ſecret might ——

EDITOR.

Oh, I underſtand you. If theſe dialogues had turned on ſome love-adventure or court-intrigue; if they had called in queſtion any received principle of religion or good manners; above all, if they had dealt in ſcandalous hiſtory, and had diſcovered to us ſome defect in the morals or ſome notorious weakneſs in the underſtandings of men, whom the world hath been taught to reverence; if any thing of this ſort had been brought to light in

the dialogues, ſome good, you would ſay, might have been expected from them.

BOOKSELLER.

I cannot deny that ſomething of that nature was in my head. For to think the public will take an intereſt in hearing theſe old folks talk together, as they were wont; or will attend to what they have to ſay for themſelves on half a dozen impracticable ſubjects of morality and politics, which every news-paper too treats of; believe me, Sir, this is downright extravagance in you. And I cannot but wonder that a gentleman of your years, and ſo much diſcretion as (pardon me, Sir,) your appearance ſpeaks you, ſhould have fallen into ſo wild a notion.

EDITOR.

To ſay the truth, the ſubjects are not altogether ſuch as I could wiſh them. I have even that confidence in your judgment of the public taſte, as to believe that what you ſeem to have an appetite for, would have ſatisfied it much better. Yet ſurely matters cannot be ſo bad as you repreſent them. The ſubjects indeed are common: but therefore the fitter, one would think, for common readers. What, I pray you, are the moſt admired and correct works of the time? The CONNOISSEUR, you will

will tell me, or the WORLD. Your brother *Dodſley* declares poſitively for the WORLD. Nay, if you believe ſome judicious perſons, it contains all the wit, and well nigh all the learning of the preſent age. And yet there is ſcarce a ſubject in it but is ſo common, and, what is more, treated ſo naturally, that you ſhan't find a court-lady, or even a court-chambermaid, but thinks ſhe could have done as well. But as *Horace* ſays (you underſtand *Latin*, Mr. ——)

— ſudet multum, fruſtraque laboret
Auſus idem —

So it is with theſe dialogues, I promiſe you. And for matter of authority, ten to one the names of COWLEY, WALLER, ADDISON, ARBUTHNOT, *&c.* may go as far with ſome readers, as thoſe of C. M. B. J. or even Mr. DODSLEY himſelf.

Then as to what you ſay of theſe men converſing but *as they were wont*, why this, I ſhould fancy, muſt be very taking in an age that piques itſelf on its knowledge of men and manners, and loves, above all things, to ſee the truth of character in every compoſition. Alas, Mr. —, to what purpoſe have ſo many fine novels been written and read of late, if

they have not created a perfect reliſh for the *truth of character?*

BOOKSELLER.

Yes, novels, if you pleaſe. Another *Pompey the little*, and I'd ſay ſomething to you. Or, if your fancy lay to the ſublime, another *Meditation on the ſtarry heavens* might do wonders. But theſe ſame dialogues, which nobody laughs or ſtares at ——

EDITOR.

To be at a word with you, it mads me to hear your affected ſcruples about a work, which, before it has been out ten days, every converſation will ring with. For don't imagine you have to do with one of thoſe ſtarvelings, that bring their wares to market for a piece of bread. Fame, Mr. ——, Fame is my object.

BOOKSELLER.

What, of the *editor of another's work?* Why, this ſort of language is out of date, even with our greateſt authors. Time was, as I have heard old *Tonſon* ſay, when young men writ for reputation; but it was, I ſuppoſe, when reputation was the ready road to ſomething better. Be that as it will, even young men are wiſer in our days. A quick ſale and ready money are all that reaſonable writers now aim at.

EDI-

EDITOR.

And will you tell me that ſuch mercenaries deſerve to be ranked in the claſs of authors? I am, as you ſay of me, but a ſimple editor. Yet you miſtake your man if you think that any thing but the glory of uſhering in a complete work to the public, could have tempted me to aſſume even that character.

BOOKSELLER.

Indeed, Sir, theſe are ſtrange flights---But be your notions of fame and authorſhip what they will, I ſtick to my point: not one above *two hundred and fifty* will I publiſh. Thus far I go on ſure grounds. Sir, I have made my calculation. Taking in the ſeveral pamphlet-clubs and circulating libraries about town, and the learned aſſemblies of reading divines in the country, and allowing for ſome dozen or two of your own friends and chance-cuſtomers, that Number, I verily believe, may be got off.

EDITOR.

Come, Sir, let me intreat you. No more of theſe freedoms with great authors. I have ſome knowledge myſelf, of the age we live in. I take it to be a fine diſcerning age, notwithſtanding the ill impreſſions you would give me of it. It cannot be but that ſuch a work as I

put into your hands, must meet with a very noble reception. The fine gentlemen will think it as easy reading as a *French* novel or an *English* piece of politics. And the learned will regard it as a perfect model of dialogue-writing. But above all, the Antiquarians will be charmed with these remains of the golden age of literature. Think only, how the INCORPORATED SOCIETY will dote upon them. Sir, I may be bold to say, they would have enriched the *British Museum*, to which (if the governors had not resolved to buy no more, and I had not resolved, at all events, to give this treasure to the public) I should certainly have devoted them.

Of the *Notes*, indeed, I say nothing, because they are my own proper manufacture. But good judges tell me they cannot be ill received in so note-writing an age as the present, when *Hudibras* or *Horace* equally serves the turn for a commentator to shew his wit on.

In a word, Mr. ——, I have a respect for you. I intend the whole for your benefit, as well as the entertainment of the public. And I must not have you neglect to do yourself good by a very large impression.

BOOKSELLER.

Sir, I am much beholden to you for this courteſy. Not, but to ſay the truth, I have been honoured in my time much in the ſame way by many other of the great authors I deal with. But under favour, Sir — not that I have any ſcruples myſelf — but — may I depend on the dialogues being truly original?

EDITOR.

Nay, if you go ſo far as to ſuſpect that —

BOOKSELLER.

Why ſuch things have been, and very lately too. You muſt have heard how a brother of mine was ſerved the other day, who bargained and even paid for a ſet of letters, pretending to have been the furniture of a noble peer's cloſet, whereas the town knows they were but the ſweepings of a dirty garret. Not that I would inſinuate any thing like this of your dialogues. I put the queſtion only, becauſe a learned perſon, a *Scots* gentleman, I have in my houſe, and whom I uſually adviſe with in theſe caſes, has hinted to me that, on running them over, he has ſome ſlight ſuſpicions of that nature.

EDI-

EDITOR.

Oh, none like your *Scots* critic for ſmelling out a roguery. But, Sir, did you ever hear of a forgery in your life, without ſome reaſonable end propoſed by it? And what end can you ſuſpect me of propoſing to myſelf? Not that of profit, it is clear, ſince you, who have the reputation of dealing as generouſly by your authors, as any man, ſcruple the printing even ſo many copies as will pay the charge of the impreſſion. As little can it be the fame of paſſing for an original writer, ſince, if the impoſture ſucceeds, the author of courſe is out of ſight. Nor, laſtly, the perverſe pleaſure of impoſing on the learned: of which there is ſmall hope, if your family-critic has got the ſcent ſo early.

I have a mind to ſatisfy you, and therefore give you theſe unanſwerable reaſons againſt the charge of impoſture. But this, as I ſay, is only for yourſelf. For where is the hurt, I mean to the bookſeller, if ſome learned critic ſteps forth and undertakes to prove the whole collection to be ſpurious? This, of courſe, brings on a controverſy. The public attention is raiſed. Pamphlets are publiſhed on both ſides. And when matters become

reaſon-

reaſonably embroiled, or the ſubject grows ſtale, out comes an advertiſement that the original manuſcripts are in your hands, for the ſatisfaction of the curious. All this while you are on the winning ſide. And the contention only ſerves to quicken the ſale and confirm the credit of the collection.

BOOKSELLER.

I muſt needs confeſs there is ſomething taking in this project. But we of the better ſort in the trade reckon it the fairer way to expoſe the manuſcript at firſt, for the ſatisfaction of the curious.

EDITOR.

You muſt excuſe me there, Mr. ——, depend upon it, the dialogues are preciſely what the editor gives them for. But he has his reaſons for leaving captious people to themſelves at firſt. And what if he has a mind to make an experiment of the public judgment? A great poet, you have heard, once did ſo, and had the pleaſure of laughing very heartily at the expence of his judges.

BOOKSELLER.

Ah, Sir, theſe experiments on the public are dangerous things. But it ſhall be as you pleaſe.

pleaſe. And becauſe I ſee you underſtand ſomething of good management, I don't care if for once I change my mind, and even venture on *five hundred*. But this only, provided the additional *two hundred and fifty* be uſhered in with a new title-page, ſetting forth the SECOND EDITION.

EDITOR.

Now indeed you talk a little reaſonably—But one word, before we part, of the manner of introducing this treaſure to the public. You will, of courſe, ſee to a large type and good paper. And would not a few deſigns, if well done by the beſt hands, be very proper, as giving the public to underſtand that they have to do with no vulgar writer?

BOOKSELLER.

All that, in due time. When a book has made its fortune with the lower claſs, theſe decorations may do well, and help to bring it into better company. But there is no hazarding this expence at firſt. Your plain *Engliſh* reader loves his pennyworth for his penny. He is apt to ſtartle at a thin page and large margin, and thinks your pictures but a pretty device to cheat him of his money.

ney.— Sir, allow me to be the beſt judge of theſe matters. But there is one thing you will do well to conſider. You intend to *dedicate*, no doubt ——

EDITOR.

Why, truly I have been thinking of that. But, though the great men of our time are extraordinary judges of literature, and many of them, to do them juſtice, no leſs extraordinary writers, yet I cannot bring myſelf to beg the patronage of any of them to theſe dialogues. It would look like a diſtruſt of their own merit. And beſides, who knows but that, conſidering the indigence of moſt authors, and the liberality of ſuch patrons, a worſe diſhonour may enſue, and the editor be thought capable of a deſign to enrich himſelf by this publication, whereas his ſole purpoſe, as you know, is to benefit the public.

BOOKSELLER.

Alas, no; there is little danger of that imputation. The patrons of our days think a great deal too delicately to diſgrace letters, by any paltry returns of that kind for the honour which letters do them. And, to ſay the truth, why ſhould any ſuch return be expected?

pected? For a *dedication*, as I take it, is for our ſake, not their's. A noble name in the front of a new work does the office of a fair ſign. It catches the eye of paſſengers, and invites cuſtom. And it is purely, Sir, upon this footing that I make bold to recommend it.

EDITOR.

You are a wiſe man, Mr. ——, and know beſt what expedients of this ſort it is proper even for great authors to ſubmit to. But for the dialogues themſelves, let me hear no more of your objections. Not but I believe they are as good as any body elſe will ever bring againſt them. And for that reaſon I will even ſet them down and make a preface of them, that ill-diſpoſed men may ſee how little the editor apprehends from the worſt that can be ſaid againſt them.

DIALOGUE I.

ON

SINCERITY

IN THE

COMMERCE of the WORLD:

BETWEEN

Dr. HENRY MORE

AND

EDMUND WALLER, Esq;

—In Aristippi furtim præcepta relabor,
Et mihi res, non me rebus submittere conor.

HOR.

DIALOGUE I.

On SINCERITY in the Commerce of the World.

Dr. HENRY MORE, EDMUND WALLER, Esq *;

Dr. MORE.

" PULCHRA ô SIMPLICITAS! beata Virgo!
" Tu vincis radios nitore Phœbes,
" Tu ſtellas ſuperas decore cunctas;
" Tu——†";

Mr. WALLER.

Enough, enough, my good friend. Your enthuſiaſm is too powerful for me. There is a perfect magic in your encomiums. They warm me to that degree, that I too, in my turn, could almoſt declaim, as you have done, on the intrinſic excellencies of TRUTH and HONOUR.

* The *time* and *place* of this converſation are luckily fixed by the following memorandum, entered on a blank leaf of the original.

" A conference with Maſter *Edmund Waller*, at his ma-
" nor of BECONSFIELD, in the AUTUMN of the Year 1675.
" H. MORE."

† From his Latin poem, entitled MONOCARDIA.

Dr. More.

Believe me, there is nothing magical in the caſe. Such is the natural impreſſion which theſe ſorts of paintings make on a mind like your's. For there is ſomething I have always obſerved of near affinity between *virtue* and the *elegant arts*. Whoever is born with a quick ſenſibility of the *one*, is rarely without a high reliſh of the other, and more perfect beauties.

Mr. Waller.

Such, I know, is the language of you Platoniſts, who have an agreeable way of reſolving all virtue into *taſte*. And there is ſomething, I muſt own, very taking in this philoſophy. The pictures you draw of the moral *forms*, as you call them, are ſo lovely, that a man can hardly avoid contracting a ſort of paſſion for them. But, may not this paſſion cool or go off, as other paſſions do, by time? Or may not experience furniſh ſomething more ſubſtantial for the mind to reſt upon, than theſe thin and ſhadowy viſions?

Dr. More.

O! you miſtake me, Sir, if you think I meant to repreſent *Sincerity*, which I have been magnifying ſo much, in the light of a fair picture only. The ſentiments I have delivered to you, are great and ſolid truths; ſuch as the underſtanding

derſtanding may dwell upon, and which deſerve, or rather demand, to be made the governing principles in life.

Mr. WALLER.

Why ſo indeed, they have ever appeared to me in my calmer hours, and more eſpecially when, as at this time, I come forth from *Plato's* or your ſchool, where no embelliſhments of wit or fancy have been wanting to recommend them. Then, indeed, the impreſſions are ſtrong: I perceive a diviner ſpirit breathing on my mind: and all your praiſes and panegyrics on Sincerity hang like a charm about me, and continue ſounding in my ears. But ſhall I confeſs to you that my ſoft and pliant affections have not been able to retain thoſe impreſſions very long; but, that as ſoon as I returned into the buſy haunts and commerce of men, I have found them vaniſh from off the mind like a dream, or as the ſlight texture of yon cloud, which we ſee diſperſing before us?

Dr. MORE.

This, which you deſcribe, is very likely to be the caſe of thoſe who enter on the ſcene of life without any fixed principles. But I do not apprehend how the world ſhould immediately, as you ſuppoſe, efface a virtue ſo agreeable to the human mind, as that of Sincerity, when it has once fairly taken poſſeſſion of it. Much leſs can I believe

that you intended to give this as the result of your own personal experience.

Mr. WALLER.

To deal plainly with you, I meant it as an acknowledgement of my own weakness. Nay the sense of it hath sometimes carried me so far as to suspect that the art of living, like many others, is rather to be considered as a speculative amusement, which may serve to fill up our vacant hours, than as a rule of conduct, which can be expected to have much influence in real life.

Dr. MORE.

If I could think you serious in this profession, it would almost tempt me to alter the opinion I had entertained of you men of genius. Virtuous impressions, I should then say, though made with more difficulty on coarser minds, yet are more lasting in them, than in those of a finer texture, that native warmth which prepares you to receive, disposing you as easily to give up, the impression. But, though you dissemble the matter, it is not difficult, I believe, to guess at your real meaning. It is not that you judge the principle itself to be chimerical, or that philosophy hath not arguments enough to enforce it; but that those which philosophers often urge in its behalf, are not so convincing as you suppose they might be: and this may very well have been the case in this conversation. You would say then (if your politeness

liteneſs would give leave for ſo frank a declaration) that the manner in which I have taken upon me to recommend Sincerity, is defective. This, at leaſt, is what I ſhould be diſpoſed to admit, much ſooner, than that a perſon, of your worth and liberal breeding, can be wanting in a due attachment to ſo conſiderable a branch of moral virtue.

Mr. WALLER.

This candour is no more than might be expected from a generous nature, like your's, poliſhed and humanized by the beſt philoſophy. But wherever the defect lies, I muſt freely own to you, the praiſes, which you and other moraliſts have ſo frequently, and in ſuch triumphant terms, given to this virtue, have not been attended, in my own caſe, with the full effect, you ſeemed to promiſe yourſelves from them. And yet I do not forget the late admirable ENCHIRIDION *; in which, as in this diſcourſe, you employ your utmoſt eloquence, to adorn and recommend it. The reaſons of this diſappointment may, perhaps, be various: but a want of force or care in *delivering* the doctrine, I am apt to think, is not one of them. On the contrary, the very pomp, with which it hath been ſet off, hath contributed, perhaps, as much as any thing, to miſlead our judgment of the

* The ENCHIRIDION ETHICUM, firſt publiſhed in 1667. The chapter alluded to, ſeems to be 3. L. II. on the Subject of SINCERITY.

doctrine itself. One is more especially inclined to this suspicion, when the eloquent moralist himself is of that warm temperament, that his affections readily flame out at the touch of his own fiery meditations, and when those, to whom he addresses himself, are also not void of those *sensibilities* you before spoke of. When this is the case, it is easy to foresee what will be the effect of so extraordinary a combination: For as the air and tone of the speaker are then divine, so, as I remember *Seneca* somewhere observes *, the hearers, in such circumstances, easily pass into all his affections and transports, discovering, in the agitation of their mind and countenance, a degree of fury, not unlike to that which possessed the priests of *Cybele*, on the striking up of their sacred fifes and cymbals.

Dr. More.

It is not strange that you Poets, who, as one of your own family expresseth it, are *of imagination all compact*, and have, on a thousand occasions, felt the force of its illusions, should be so suspicious of its power, and ready to resolve all conviction into the trances of this faculty. Yet

* I am not sure if the following be the passage intended, but it comes the nearest to this sentiment of any I have observed in the writings of Seneca. *Quidam ad magnificas voces excitantur, et transeunt in affectum dicentium, alacres vultu & animo; nec aliter concitantur quam Phrygii solent tibicinis sono semiviri & ex imperio furentes.* Sen. *Ep.* 108.

this

this, allow me to say it, is no generous return to the sage, who, knowing the importance of his doctrines, is willing to employ every honest stratagem to recommend them. Nay, perhaps his ambition was to catch, by this artifice, the finer spirits; to draw in such as you to the interests of virtue, whom the austerity of strict proof and the argumentative form might have chanced to frighten from the schools of moral science. And, if this were the design of the rapturous moralists, you glance at, it should seem from what hath now so inadvertently fallen from you, that their measures were not ill taken. You discover, even in this attempt, to undervalue their services, the possession which their enchantments (for so you choose to represent them) have taken of you. And, if in a mind so prepared to receive the stamp of VIRTUE, its traces, as you say, disappear so easily, the effect, I must think, is too extraordinary to be charged on a play of wit and fancy. It is an argument indeed, not so much of any defect in the system of the Philosopher, as of the infirmity of human nature itself, even in those, whom we have hitherto regarded as the brightest examples of it.

Mr. WALLER.

I believe there is real *truth* in what it might, perhaps, be thought more decent for me to understand as a compliment only. It is, if you please, in the *infirmity of human nature* we are to

look for a good account of the little hold which all your lectures of virtue have ever taken of the mind. But this infirmity, once acknowledged, should methinks admonish you to new-mould and regulate your systems. For to what purpose should you preach up the sacred and indispensable obligation of any virtue, when the known constitution of human nature will not bear it, or when the first entrance into life and action proves the plausible and fine-spun hypothesis to be a perfect chimæra? Particularly, in the instance of your boasted *Sincerity*, I can hardly believe, if, instead of yielding to the visions of an eager fancy, you had attended something more to the circumstances of plain fact, it could have been possible for you to think of magnifying this pretended virtue as you have done. But there are two misfortunes (for, having launched so far into this nice subject, I shall now, with your leave, proceed plainly and directly in it) constantly attending the moral disquisitions of you lettered and cloystered men. The FIRST is, that you seldom look beyond the narrow circuit of your own cells; and these, you know, contain within them none but what are formed to one model, and who have, besides, no trials to struggle with in the practice of that which no passion contradicts. Hence it comes to pass, that you do not consider what the real condition of mankind is, nor how impracticable all your schemes are in that world, to which your situation makes you entire strangers.

Dr.

Dr. More.

It is true, thoſe are inconveniences which lie in the way of us retired moraliſts. All that can be ſaid for us is, that we endeavour to make up for our own want of experience, by building on that of other men.

Mr. Waller.

Yes, that was the OTHER particular I was going to object to you. Having no experience of life yourſelves, you take up, as you ſay, with the repreſentations which others have given of it. And, the Greek and Latin writers ſtanding foremoſt in the eſtimation of you ſcholars, it is from theſe that all your notions of *life and manners* are drawn, juſt as our late politicians were obſerved, you know, to take from the ſame ſource their maxims of *civil government*. Whereas, *both* were manifeſtly calculated for other men and other times. The want of attending to this difference hath driven many a patriot into rebellion: And, I muſt think it, in ſome meaſure, owing to the ſame learned prejudice that ſo many grave writers have run into a fanciful and enthuſiaſtic morality.

Dr. More.

After much unneceſſary preparation, you have now at length, I muſt confeſs, very ſufficiently explained yourſelf. Your opinion then is, that the rules of moral virtue, like the forms of dreſs,

vary

vary with the humours of men, and that a ſyſtem of morals is to receive a new air and cut, at the good pleaſure of thoſe who wear it.

Mr. WALLER.

Not entirely at their pleaſure; but, ſurely, according to the prevailing mode and practice of the times.

Dr. MORE.

I believe, I take your meaning. But, to be ſerious, this is a ſtrange paradox to me, who have always thought that morality is independent of our fancies and cuſtoms, as ariſing from thoſe unalterable relations in which the author of nature hath placed us with regard to each other; and not like the rules of civil policy, which take their riſe from convenience, and the arbitrary appointment of men.

Mr. WALLER.

Thoſe relations are not altogether ſo unalterable as you ſequeſtered men are accuſtomed to repreſent them. How, for inſtance, can the *relation* which a man of affairs bears to his country, under the management of the prince or his firſt miniſter in our monarchical government, be thought the ſame as that which an old Greek or Roman ſtood in to the ideal majeſty of his equal republic? and, if the ſituations are ſo different, how can the claſs of duties belonging to one and the other be the ſame?

Dr.

Dr. More.

Very eaſily, if that fidelity which the Greek or Roman magiſtrate ſhewed in the diſcharge of his truſt to his commonwealth, be obſerved by the Engliſh courtier in the ſervice of his prince, and that ultimately, (for in this all legitimate conſtitutions of government agree) for the good and ſervice of the ſtate.

Mr. Waller.

This laſt clauſe was very material. But here again is a fine notion, which I can readily believe you have often indulged with great complacency in your cloſet at college, and is, doubtleſs, one of thoſe themes which are ſet forth with ſo much florid declamation in the exerciſes of your young ſcholars. But not to waſte more time in fruitleſs altercation, let me, if you pleaſe, aſſume the philoſopher, and read you a lecture of morals. Not out of antient books, or the viſions of an unpractiſed philoſophy; but from the ſchools of buſineſs, and real life. Such a view of things will tend to diſcredit theſe high notions, and may ſerve, for the future, to amend and rectify all your ſyſtems.

Dr. More.

I have no objection to this, provided your lecture be intended only as a map of modern life, or an exerciſe of your wit, and not as a ſcheme of morals

morals which is to ſuperſede that of Plato or the Goſpel. For, to return your frankneſs in kind, I can have no opinion of a moral ſyſtem that is to be faſhioned according to the mode at court, or of a moral practice that is to give way to the convenient cuſtoms of the world. Ignorance of mankind is a heavy charge againſt a moraliſt, and how juſtly urged, in the preſent caſe, may not be a fit matter for him whoishimſelf a private retired man, to diſpute with you. But ſurely there muſt be ſome inconſiſtency in alledging this defect and blaming, at the ſame time, the uſe of thoſe means, which are moſt likely to remove it. The philoſophers of Greece and Rome were not idle and ſequeſtered ſpeculatiſts: they were men of action and buſineſs; and, by every advantage of ability and experience, well qualified to give juſt pictures of mankind. They have, accordingly, been ever ranked in the firſt claſs of thoſe who have inſtructed us in the knowledge of ourſelves; and I concluded the ſtudy of their writings, if it could not altogether excuſe and cover the want of perſonal experience, was yet an effectual method to prevent a moraliſt from the ſhame of being accounted viſionary or fantaſtic.

Mr. WALLER.

I diſpute not the ability of the ancient ſages, or the fidelity of thoſe pictures they have left us of mankind. They were, doubtleſs, taken from the

the life, and the rules of conduct, delivered in their writings, were well adapted to the ſtate of things which prevailed in their popular governments. But what I blame is the rigorous application of their maxims. Be they ever ſo excellent in themſelves, they certainly require to be ſoftened and adapted by ſome reaſonable accommodation, to the different circumſtances of other countries and times.

Dr. More.

I confeſs I do not underſtand this philoſophy, ſo different from what my books, and eſpecially my Bible teaches. But as your enlarged experience may have furniſhed you with other arguments than I am aware of, for this new doctrine of *accommodation*, I am ready to hear the utmoſt of what you have to ſay in defence of it,

Mr. Waller.

I ſhould not, perhaps, have ventured on ſuch an enterprize in all companies. But in this privacy, and to a perſon of your candour, I can open myſelf, on any the moſt obnoxious argument, without reſerve. And yet let me obſerve one particular, which a little diſcountenances this addreſs even to you. It is, not the ridicule only which you attempt to throw on my argument, but the invidious turn you have more than once given to it, by objecting the

the authority of ſcripture, as well as your Heathen ſyſtems: whereas the ſame anſwer, as I take it, will ſerve for both; that *general precepts are not to be interpreted too ſtrictly*. Allow me but this liberty ſo conſtantly taken in the reaſonable expoſition of any author, and I ſhould not doubt to maintain my opinion with as little diſhonour to the ſacred, as profane volumes.

Dr. More.

I ſubmit in all things to your own terms. Only, as the evening wears apace, I a little apprehend you will not have time for the full diſplay of this new ſyſtem. However, to favour you all I can, I am content to become a patient hearer in my turn, and ſhall interpoſe as little as the tenor of your diſcourſe will give leave.

Mr. Waller.

We have day enough before us for the buſineſs in hand. This wood-land walk indeed, has not the charms which your fancy hath beſtowed on a certain *philoſophical garden* *. But the heavens are as clear, and the air, that blows upon us, as freſh as in that fine evening which drew your friends abroad, and engaged them

* This, I ſuppoſe, glances at the ſcene of the Divine Dialogues, printed in 1668. It is a *bower in a garden*, ſome particulars of which are deſcribed. From the turn of Mr. *Waller*'s alluſion to this ſcenery, one is not ſure if he did not deſign it as a ridicule on the vulgar manner of introducing a philoſophical dialogue.

in

in a longer debate than that with which I now mean to detain you. For, in truth, you will have little reaſon to apprehend prolixity, and no great temptation, I believe, to interrupt me, when you underſtand the manner in which I mean to explain myſelf. I have no ſkill at defining: I know little of ſcholaſtic niceties and ſubtil diſtinctions: I pretend not to the knack of ſplitting a plain matter into I know not how many fine and minute parts, nor of flouriſhing on each with much learned proof and curious argument. All this can only be expected from you profeſſors of ſcience, who have the leiſure to acquire ſuch arts in the ſhade of your ſchools, and the walks of your Academies. I, who was early called out into the heat and buſtle of life, am a plain man, and can only repreſent in a naked way, without oſtentation or artifice, ſuch reflections as the current of affairs, in which I have been engaged, occaſionally ſuggeſted to me. A lecture from me then will afford little room for wrangling and debate. It will conſiſt merely in a review of my paſt life, and the ſimple repreſentation of my own experience. All my arguments are plain facts, about which there can be no diſpute: and I ſhall leave it with yourſelf to determine, how far they will juſtify the concluſion I propoſe to draw from them.

Dr. MORE.

How far you may be practiſed in the rules of *logic*, I cannot ſay: but this exordium, I ſuppoſe, may paſs for a ſpecimen of what you are able to do in the arts of *rhetoric*.

Mr. WALLER.

This conſtruction is unfair; I meant not to play the orator with you, but merely to prepare you for the following plain recital, which might otherwiſe diſappoint your expectations. However, let thus much ſtand for the *exordium*, as you ſay, if, what I am now to deliver, may rather deſerve to paſs for an oration, than a moral lecture.

The point I would take upon myſelf to maintain againſt you philoſophers is, briefly, this; "that *ſincerity* or a ſcrupulous regard to *truth* in all our converſation and behaviour, how ſpecious ſoever it may be in theory, is a thing impoſſible in practice; that there is no living in the world on ſuch terms as you propoſe; and that a man of buſineſs muſt either quit the ſcene, or learn to temper the ſtrictneſs of your diſcipline with ſome reaſonable accommodations. It is exactly the dilemma of the poet,

Vivere ſi recte neſcis, diſcede peritis;"

of all which I preſume to offer my own experience, as the ſhorteſt and moſt convincing demonſtration.

Dr.

Dr. More.

The ſubject, I confeſs, is fairly delivered, and nothing can be juſter than this appeal to experience, provided you do not attempt to delude yourſelf or me, by throwing falſe colours upon it.

Mr. Waller.

It will be your buſineſs to remonſtrate againſt theſe arts, if you diſcover any ſuch. My intention is to proceed in the way of a direct and ſimple recital.

" I was born, as you know, of a good family, and to the expectation and inheritance of an ample fortune. To this I ſucceeded but too ſoon by the untimely loſs of an excellent father. His death however did not deprive me of thoſe advantages, which are thought to ariſe from a ſtrict and virtuous education. This care devolved on my mother, a woman of great prudence, who provided for my inſtruction in letters and every other accompliſhment. I was, of myſelf, inclined to books, and was ſuppoſed to have ſome parts which deſerved cultivation. I was accordingly trained in the ſtudy of thoſe writings which are the admiration of men of elegant minds and refined morals. I was a tolerable maſter of the languages in which they are compoſed; and, I may venture to ſay, was at leaſt inſtructed in their notions and principles, if I was not able at that time to catch the ſpirit of their compoſition: All

which was confirmed in me, by the conſtant attendance and admonitions of the beſt tutors, and the ſtrict diſcipline of your colleges. I mention theſe things the rather to ſhew you, that I was not turned looſe into the world, as your complaint of men of buſineſs generally is, unprincipled and uninſtructed; and that what auſtere men might afterwards take for ſome degree of libertiniſm in my conduct, is not to be charged on the want of a virtuous or even learned education."

Dr. More.

I underſtand you mean to take no advantage of that plea, if what follows be not anſwerable to ſo high expectations.

Mr. Waller.

The time was now come when my rank and fortune, together with the ſollicitations of my friends, drew me forth, though reluctantly, from the college into the world. I was then indeed under twenty: but ſo practiced in the beſt things, and ſo impreſſed with the admirable leſſons that had been taught me, that I carried with me into the laſt parliament of king *James*, not the ſhowy accompliſhments of learning only, but the high enthuſiaſm of a warm and active virtue. Yet the vanity, it may be, of a young man, diſtinguiſhed by ſome advantages, and conſcious enough of them, might be the leading principle with me for a time. In this diſpoſition, it may be ſuppoſed, I could

I could not be long without desiring an introduction to the court. It was not a school of that virtue I had been used to, yet had some persons in it of eminent worth and honour. A vein of poetry, which seemed to flow naturally from me, was that by which I was most ambitious to recommend myself. And occasions quickly offered, that gave a fair and free scope to indulge it. But this was a play of ingenuity in which my heart and affections had no share. I made complimentary verses on the great lords and ladies of the court, with as much simplicity and as little meaning as my bows in the drawing room, and thought it a fine thing to be taken notice of as a wit in the fashionable circles. In the mean time, the corruptions of a loose disorderly court gave me great scandal. And the abject flatteries, I observed in some of the highest stations and gravest characters, filled me with indignation. As an instance of this, I can never forget the resentment that fired my young breast at the conversation you have often heard me say I was present at, betwixt the old king, and two of his court prelates *. And if the prudent and witty turn the venerable bishop of *Wincheſter* gave to the discourse had not attoned, in some measure, for the rank offensive servility of the *other*, it had been enough to determine me forthwith to an implacable hatred of kings and courts for ever.

* Dr. ANDREWS, Bishop of *Wincheſter*, and Dr. NEAL, Bishop of *Durham*. The story is well known.

Dr. More.

It must be owned the provocation was very gross, and the offence taken at it no more than a symptom of a generous and manly virtue.

Mr. Waller.

It left a deep impression on my mind, yet it did not hinder me from appearing at court in the first years of the following reign, when the vanity of a thoughtless muse, rather than any relaxation of my ancient manners, drew from me again some occasional panegyrics on greatness, which being presented in verse, I thought would hardly be suspected of flattery.

Dr. More.

This indulgence of a *thoughtless muse* (as you call it) was not without its danger. I am afraid this must pass for the first instance of your sacrificing to Insincerity.

Mr. Waller.

Your fears are too hasty. This was still a trial of my wit: and after a few wanton circles, as it were to breath and exercise my muse, I drew her in from these amusements to a stricter manage and more severe discipline. The long interval of parliaments now followed; and in this suspension of business I applied myself to every virtuous pursuit that could be likely to improve my mind,

mind, or purify my morals. Believe me, I cannot to this day without rapture reflect on the golden hours, that passed in that accomplished society, which the names of FALCKLAND, HYDE, and CHILLINGWORTH, consecrated as the very sanctuary of science and honour. And for my more retired amusements at *Beconsfield*, you will judge of the good account I might render of these, when I add, they were constantly shared with that great prelate who now with so much dignity presides in the throne of *Winchester**.

Dr. MORE.

This enthusiasm of your's is catching, and raises in me an incredible impatience to come at the triumphs of a virtue, trained and perfected in her best school, the conversation of heroes and sages.

Mr. WALLER.

You shall hear. The jealousies that had alarmed the nation for twelve years were now to have a vent given them by the call of the parliament in *April* 1640. As the occasion on which it met was most interesting, the assembly itself was the most august that perhaps ever deliberated on public counsels. There was a glow of honour,

* Dr. GEORGE MORLEY. The writer of Mr. *Waller's life*, who seems to have had his accounts from good hands, I perceive, has taken notice of these particulars which do so much honour to his character.

of liberty, and of virtue in all hearts, in all faces: And yet this fire was tempered with so composed a wisdom, and so sedate a courage, that it seemed a synod of heroes; and, as some would then say of us, could only be matched by a senate of old *Rome* in its age of highest glory. To this parliament I had the honour to be deputed, whither I went with high erected thoughts, and a heart panting for fame and the true service of my country. The dissolution, which so unhappily followed, served only to increase this ardour. So that on our next meeting in *November*, I went freely and warmly into the measures of those who were supposed to mean the best. I voted, I spoke, I impeached *. In a word, I gave a free scope to those generous thoughts and purposes which had been collecting for so many years, and was in the foremost rank of those whose pulse beat highest for liberty, and who were most active for the interest of the public.

Dr. More.

This was indeed a triumph, the very memory of which warms you to this moment. So bright a flame was not easily to be extinguished.

Mr. Waller.

It continued for some time in all its vigour. High as my notions were of public liberty,

* This alludes to the impeachment of Mr. *Justice* Crawley, *July* 6, 1641, for his extrajudicial opinion in the affair of *Ship-money*. Mr. *Waller's* speech on this occasion is extant amongst his works.

did

they did not transport me with that zeal which prevailed on so many others, to act against the just prerogative of the crown, and the ancient constitution. I owe it to the conversation and influence of the excellent society, before mentioned, that neither the spirit, the sense, nor, what is more, the relationship and intimate acquaintance of Mr. *Hampden**, could ever bias me to his deeper designs, or any irreverence of the unhappy king's person. Many things concurred to preserve me in this due mean. The violent tendencies of many counsels on the parliament's side; many gracious and important compliances on the king's; the great examples of some who had most authority with good men; and lastly, my own temper, which, in its highest fervours, always inclined to moderation; these and other circumstances kept me from the excesses on either hand which so few were able to avoid in that scene of public confusion.

Dr. More.

This moderation carries with it all the marks of a real and confirmed virtue.

Mr. Waller.

I rather expected you would have considered it as another *sacrifice to Insincerity*. Such I remember was the language of many at that time. The enthusiasts on both sides agreed to stigma-

* The famous Mr. *Hampden* was his uncle.

tize

tize this temper with the name of *Neutrality*. Yet this treatment did not prevent me, when the war broke out, from taking a courſe which I eaſily foreſaw would tend to increaſe ſuch ſuſpicions: for now, to open a freſh ſcene to you, I had aſſumed, if not new principles, yet new notions of the manner in which good policy required me to exert my old ones. The general virtue, or what had the appearance of it at leaſt, had hitherto made plain dealing an eaſy and convenient conduct. But things were now changed. The minds of all men were on fire: deep deſigns were laid, and no practice ſtuck at that might be proper to advance the execution. In this ſituation of affairs what could ſimple honeſty do but defeat the purpoſe and endanger the ſafety of its maſter? I now firſt began to reflect that this was a virtue for other times: at leaſt, that not to qualify it, in ſome ſort, was, at ſuch a juncture not honeſty, but imprudence: and when I had once fallen into this train of thinking, it is wonderful how many things occurred to me to juſtify and recommend it. The humour of acting always on one principle was, I ſaid to myſelf, like that of ſailing with one wind: whereas the expert mariner wins his way by plying in all directions, as occaſions ſerve, and making the beſt of all weathers. Then I conſidered with myſelf the bad policy, in ſuch a conjuncture, of *Cato* and *Brutus*, and eaſily approved in my own mind the more pliant and conciliating method of *Cicero*. Thoſe

ſtoics,

ſtoics, thought I, ruined themſelves and their cauſe by a too obſtinate adherence to their ſyſtem. The liberal and more enlarged conduct of the academic, who took advantage of all winds that blew in that time of civil diſſenſion, had a chance, at leaſt, for doing his country better ſervice. Obſervation, as well as books, furniſhed me with theſe reflections. I perceived with what difficulty the Lord FALKLAND's rigid principles, had ſuffered him to accept an office of the greateſt conſequence to the public ſafety *: and I underſtood to what an extreme his exceſſive ſcruples had carried him in the diſcharge of it †. This, con-

* That of *Secretary of State*. The Lord *Clarendon* tells us it was with the utmoſt difficulty he perſuaded him to accept it. "There were two conſiderations (ſays the hiſtorian) that made moſt impreſſion on him; the *one*, leſt the world ſhould believe that his own ambition had procured this promotion, and that he had therefore appeared ſignally in the houſe to oppoſe thoſe proceedings, that he might thereby render himſelf gracious to the court: The *other*, leſt the King ſhould expect ſuch a ſubmiſſion and reſignation of himſelf and his own reaſon and judgment to his commands, as he ſhould never give or pretend to give; for he was ſo ſevere an adorer of truth, that he would as eaſily have given himſelf leave to ſteal as to diſſemble," &c. B. iv.

† The noble hiſtorian, before cited, very luckily alſo explains this particular, by giving us two inſtances of Lord *Falkland's* ſcrupuloſity. The *one* was, "That he could never bring himſelf to employ ſpies, or give any countenance or entertainment to them:" The other, "That he could never allow himſelf the liberty of opening letters, upon a ſuſpicion that they might contain matter of dangerous conſequence." B. viii.

cluded

cluded I, can never be the office of virtue in ſuch a world, and in ſuch a period. And then that of the poet ſo ſkilled in the knowledge of life, occurred to me,

-----aut virtus nomen inane eſt,
Aut decus et pretium recte petit EXPERIENS vir;

that is, as I explained it, "The man of a ready and dextrous turn in affairs; one who knows how to take advantage of all circumſtances, and is not reſtrained by his bigottry from varying his conduct, as occaſions ſerve, and making, as it were, *experiments* in buſineſs."

Dr. MORE.

You poets, I ſuppoſe, have an excluſive right to explain one another; or theſe words might ſeem to bear a more natural interpretation.

Mr. WALLER.

You will underſtand from this account, which I have opened ſo particularly to you, on what reaſons I was induced to alter my plan, or rather to purſue it with thoſe arts of prudence and addreſs, which the turn of the times had now rendered neceſſary. The concluſion was, I reſolved to purſue ſteadily the king's, which at the ſame time was manifeſtly the nation's intereſt, and yet to keep fair with the parliament, and the managers on that ſide; for this appeared the likelieſt way of doing him real

real ſervice. And yet ſome officious ſcruples which forced themſelves upon me at firſt, had like to have fixed me in other meaſures. In the ſtream of thoſe who choſe to deſert the houſes rather than ſhare in the violent counſels that prevailed in them, the general diſguſt had, alſo, carried me to withdraw myſelf. But this was a ſtart of zeal which was ſoon over. I preſently ſaw, and found means to ſatisfy the king, that it would be more for his ſervice that I ſhould return to the parliament. I therefore reſumed my ſeat and took leave, (to ſay the truth, it was not denied me by the houſe, who had their own ends to ſerve by by this indulgence *) to reaſon and debate in all points with great freedom. At the ſame time my affections to the common intereſt were not ſuſpected; for having no connection † with the

* To the ſame purpoſe my Lord *Clarendon*. "He [Mr. *W.*] ſpoke, upon all occaſions, with great ſharpneſs and freedom; which (now there were ſo few that uſed it, and there was no danger of being over-voted) was not reſtrained; and therefore uſed as an argument againſt thoſe, who were gone upon pretence, that they were not ſuffered to declare their opinion freely in the houſe; which could not be believed, when all men knew what liberty Mr. *Waller* took, and ſpoke every day with impunity, againſt the ſenſe and proceedings of the houſe." B. vii.

† This ſeems contradicted by Lord *Clarendon*, who ſays of him, that at this time he had "intimacy and friendſhip with ſome perſons of nearneſs about the king." *ib.* But perhaps by *no connection* he may only mean, that he was not engaged in the ſervice of the court by any place of honour and preferment.

court,

court, nobody thought of charging me with private views; and not forgetting, beſides, to cultivate a good underſtanding with the perſons of chief credit in the houſe, the plainneſs I uſed, could only be taken for what it was, an honeſt and parliamentary liberty. This ſituation was for a time very favourable to me, for the king's friends regarded me as the champion of their cauſe; whilſt the prudence of my carriage towards the leading members ſecured me, in a good degree, from their jealouſy.

Dr. More.

Your policy, I obſerve, had now taken a more refined turn. The juncture of affairs might poſſibly juſtify this addreſs: but the ground you ſtood upon was ſlippery; and I own myſelf alarmed at what may be the conſequence of this ſollicitous purſuit of popularity.

Mr. Waller.

No exception, I think, can be fairly taken at the methods by which I purſued it. However, this *popularity* it was, as you rightly divine, which drew upon me all the miſchiefs that followed. For the application of all men diſpoſed to the king's ſervice, was now made to me. I had an opportunity by this means of knowing the characters and views of particular perſons, and of getting an inſight into the true ſtate of the king's affairs. And theſe advantages, in the end, drove me

me on the project, which, on the discovery, came to be called my *Plot:* an event, which, with all its particulars, you understand too well to need any information from me about it.

Dr. More.

The story, as it was noised abroad, I am no stranger to: but this being one of those occasions, as they say, in which both your policy and virtue were put to the sharpest trial, it would be much to the purpose you have in view by this recital to favour me with your own account of it.

Mr. Waller.

To lead you through all particulars would not suit with the brevity you require of me. But something I will say to obviate the misconceptions you may possibly have entertained of this business *. For the plot itself, the utmost of my design was only to form such a combination amongst the honest and well affected of all sorts, as might have weight enough to incline the houses to a peace, and prevent the miseries that were too certainly to be apprehended from a civil war. It was never in my thoughts to surprize the parlia-

* The reader, I doubt not, will be curious, as I was, to see Mr. *Waller's* own account of this famous plot. On comparing it with the Lord *Clarendon's* relation, I find it agree so exactly in all points of moment, (though Mr. *Waller* softens and palliates the most obnoxious of them) that this coincidence must needs be thought a great confirmation of the credit of that noble historian.

ment or city by force, or engage the army in the ſupport and execution of my purpoſe. But my deſign in this affair, though the fury of my enemies and the fatal jealouſy of the time would not ſuffer it to be rightly underſtood, is not that which my friends reſented, and which moſt men were diſpoſed to blame in me. It was my behaviour afterwards, and the obliquity of ſome means, which I found expedient to my own ſafety, that expoſed me to ſo rude a ſtorm of cenſure. It continues, I know, to beat upon me even at this diſtance. But the injuſtice hath ariſen from the force of vulgar prejudices, and the want of entering into thoſe enlarged principles, on which it was neceſſary for me to proceed in that juncture.

Dr. MORE.

Yet the ill ſucceſs of this plot itſelf might have ſhewn you, what the deſign of acting on theſe *enlarged principles* was likely to come to. It was an unlucky experiment this, you had made in the *new* arts of living, and ſhould have been a warning to you, not to proceed in a path, which, at the very entrance of it, had involved you in ſuch difficulties.

Mr. WALLER.

No, it was not the new path, you object to me, but the good old road of Sincerity which miſled me into thoſe brambles. I, in the ſimplicity of my heart, thought it my duty to adhere to

to the injured king's cauſe, and believed my continuance in parliament the faireſt, as well as the likelieſt method, that could be taken to ſupport it. Had I temporized ſo far, as either to deſert my prince, and ſtrike in with the parliament, or, on the other hand, had left the houſe and gone with the ſeceders to *Oxford*, either way I had been ſecure. But reſolving, as I did, to hold my principles, and follow my judgment, I fell into thoſe unhappy circumſtances from which all the dexterity, I afterwards aſſumed, was little enough to deliver me.

Dr. More.

But if your intentions were ſo pure, and the methods by which you reſolved to proſecute them, ſo unexceptionable, how happened it that any plot could be worked up of ſo much danger to your life and perſon?

Mr. Waller.

This was the very thing I was going to explain to you. My intentions towards the parliament were fair and honourable: as I retained my ſeat there, I could not allow myſelf in the uſe of any but parliamentary methods to promote the cauſe I had undertaken. And this, as I ſaid, was the whole purpoſe of the *combination* which was made the pretence to ruin me: for my unhappy project of a reconciliation, was ſo inextricably confounded with another of more

dangerous tendency, the *commiſſion of array*, ſent at that time from *Oxford*, that nothing, I preſently ſaw, could poſſibly diſentangle ſo perplexed a buſineſs, or defeat the malice of my enemies, if I attempted, in the ordinary and more direct way, to ſtand on my defence. Preſumptions, if not proofs, they had in abundance: the conſternation of all men was great; their rage unrelenting; and the general enthuſiaſm of the time outrageous. Conſider all this, and ſee what chance there was for eſcaping their injuſtice, if I had reſtrained myſelf to the ſole uſe of thoſe means, which you men of the cloyſter magnify ſo much, under I know not what names of *Sincerity* and *Honour*. And indeed this late experience, of what was to be expected from the way of plain-dealing, had determined me, henceforth, to take a different route, and, ſince I had drawn theſe miſchiefs on myſelf by *Sincerity*, to try what a little management could do towards bringing me out of them.

Dr. More.

It was not, I perceive, without cauſe, that the ſubtlety you had begun to have recourſe to, filled me with apprehenſions. Sincerity and Honour are plain things, and hold no acquaintance with this ingenious caſuiſtry.

Mr. Waller.

What, not in ſuch a ſituation? It ſhould ſeem as if you moraliſts conceived a man owed nothing

thing to himſelf: that *ſelf-preſervation* was not what God and Nature have made it, the firſt and moſt binding of all laws: that a man's family, not to ſay his country, have no intereſt in the life of an innocent and deſerving citizen: and, to ſay all in one word, that *prudence*, though you give the name a place among your *cardinal virtues*, is in fact, and in matters of the higheſt importance, no virtue at all. All this muſt be concluded before you reject, as unlawful, the means I was forced upon, at this ſeaſon, for my defence: means, I preſume to ſay, ſo happily imagined, and as my very enemies will own, executed with ſo much addreſs, that I cannot to this day reflect on my conduct in that affair without complacency.

Dr. More.

Yet it had ſome conſequences which a man of your generoſity would a little ſtartle at.—

Mr. Waller.

I underſtand you: my friends—but I ſhall anſwer that objection in its place.

Let me at preſent go on with the particulars of my defence. The occaſion, as you ſee, was diſtreſsful to the laſt degree. To deny or defend myſelf from the charge was a thing impoſſible. What remained then but to confeſs it, and in ſo frank and ample a manner as might beſpeak the pity, or engage the protection of my accuſers.

I reſolved to ſay nothing but the *truth*; and if ever the *whole* truth may be ſpoken, it is when ſo alarming an occaſion calls for it. Beſides, what had others, who might be affected by the diſcovery, to complain of? I diſclaimed no part of the guilt myſelf: nor could any confeſſion be made, that did not firſt and chiefly affect me. And if I, who was principal in the contrivance, had the beſt chance for eſcaping by ſuch confeſſion, what had they, who were only accomplices, to apprehend from it? Add to this, that the number and credit of the perſons, who were charged with having a ſhare in the deſign, were, of all others, the likelieſt conſiderations to prevail with the houſes to drop the further proſecution of it.

Well, the diſcovery had great effects. But there was no ſtopping here. Penitence, as well as confeſſion, is expected from a ſinner. I had to do with hypocrites of the worſt ſort. What fairer weapons then, than hypocriſy and diſſimulation? I counterfeited the ſtrongeſt remorſe, and with a life and ſpirit that diſpoſed all men to believe, and moſt, to pity me. My trial was put off in very compaſſion to my diſorder, which in appearance was ſo great, that ſome ſuſpected my underſtanding had been affected by it. In this contrivance I had two views; to gain time for my defence, and to keep it off till the rage and fury of my proſecutors was abated. In this interval indeed ſome of my accomplices ſuffered.

But

But how was it poſſible for me to apprehend that, when, if any, I myſelf might expect to have fallen the firſt victim of their reſentment.

Dr. More.

If this apology ſatisfy yourſelf, I need not interrupt your ſtory with any exceptions.

Mr. Waller.

It was, in truth, the only thing which afflicted me in the courſe of this whole buſineſs. But time and reflection have reconciled me to what was, in ſome ſenſe, occaſioned, but certainly not intended, by me. And it would be a ſtrange morality that ſhould charge a man with the undeſigned conſequences of his own actions.

Dr. More.

And were all the ſymptoms of a diſturbed mind, you made a ſhew of, then entirely counterfeit?

Mr. Waller.

As certainly as thoſe of the Roman *Brutus*, who, to tell you the truth, was my example on that occaſion. It was the buſineſs of both of us to elude the malice of our enemies, and reſerve ourſelves for the future ſervice of our reſpective countries.

But all I have told you was only a prelude to a farther, and ſtill more neceſſary act of diſſimu-

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lation. Had the houſe been left to itſelf, it might poſſibly have abſolved me on the merits of ſo large a confeſſion, and ſo lively a repentance. But I had to do with another claſs of men, with holy inquiſitors of ſordid minds, and four ſpirits, prieſtly reformers, whoſe ſenſe was noiſe and religion fanaticiſm, and that too fermented with the leven of earthly avarice and ambition. Theſe had a great influence both within doors and without, and would regard what had hitherto paſſed as nothing, if I went not much farther. To theſe, having begun in ſo good a train, I was now to addreſs myſelf. I had ſtudied their humours, and underſtood to a tittle the arts that were moſt proper to gain them. The firſt ſtep to the countenance and good liking of theſe reſtorers of primitive parity was, I well knew, the moſt implicit ſubjection both of will and underſtanding. I magnified their gifts, I revered their ſanctity: I debaſed myſelf with all imaginable humility: I extolled them with the groſſeſt flattery. Having thus ſucceeded to my wiſh in drawing the principal of theſe ſaints around me, I advanced farther: I ſought their inſtruction, ſolicited their advice, and importuned their ghoſtly conſolation. This brought me into high favour: they regarded me as one who wiſhed and deſerved to be enlightened: they ſtrove which ſhould impart moſt of their lights and revelations to me. I beſought them to expound, and pray, and preach before me; nay I even

even preached, and prayed, and expounded before them. I out-canted the beſt-gifted of them; and out-railed the bittereſt of all their decriers of an anti-chriſtian prelacy. In ſhort, it would have moved your laughter or ſpleen to obſerve, how ſubmiſſively I demeaned myſelf to theſe ſpiritual fathers; how I hung on their words, echoed their coarſe ſayings, and mimicked their beggarly tones and grimaces. To complete the farce, I intreated their acceptance of ſuch returns for their godly inſtructions, as fortune had enabled me to make them. I prevailed with them to give leave that ſo unworthy a perſon might be the inſtrument of conveying earthly accommodations to theſe diſpenſers of heavenly treaſures; and it ſurpaſſes all belief with what an avidity they devoured them! It is true this laſt was a ſerious conſideration; in all other reſpects the whole was a perfect comedy, and of ſo ridiculous a caſt, that, though my ſituation gave me power of face to carry it off gravely then, I have never reflected on it ſince without laughter.

Dr. More.

Truly, as you deſcribe it, it was no ſerious ſcene. But what I admire moſt is, the dexterity of your genius, and the prodigious progreſs you had now made in your favourite arts of *accommodation*.

Mr. WALLER.

Neceſſity is the beſt maſter. Beſides, can you blame me for taking more than common pains to outdo theſe miſcreants in their own way; I might ſay, to excel in an art which ſurpaſſes, or at leaſt comprizes in it, the eſſence of all true wiſdom? The precept of your admired *Antoninus*, as you reminded me to day, is, SIMPLIFY YOURSELF *. That, I think, was the quaint expreſſion. It had ſhewn his reach and maſtery in the trade he profeſſed much more, if, inſtead of it, he had preached up, ACCOMMODATE YOURSELF, the grand ſecret, as long experience has taught me, *bene beatique vivendi*.

All matters thus prepared, there was now no hazard in playing my laſt game. I requeſted and obtained leave to make my defence before the parliament. I had acquired a knack in ſpeaking, and had drawn on myſelf more credit, than fine words deſerve, by a ſcenical and ſpecious eloquence. If ever I acquitted myſelf to my wiſh, it was on this occaſion. I ſoothed, I flattered, I alarmed: every topic of art, which my youth had learned, every ſubject of addreſs which experience had ſuggeſted, every trick and artifice of popular adulation was exhauſted. All men

* Ἁπλωσον σεαυτόν. *Liv.* 526. which Dr. *More*, in the chapter of his *Enchiridion* referred to above, tranſlates, *ſimplifica te:ipſum*.

were

were prepared by the practices of my faintly emiſſaries to hear me with favour; and, which is the firſt and laſt advantage of a ſpeaker, to believe me ſeriouſly and conſcientiouſly affected.

In the end I triumphed, and for a moderate fine obtained leave to ſhelter myſelf from the ſtorm which followed, and which almoſt deſolated this unhappy country, by retiring into an exile at that time more deſirable than any employment of thoſe I left behind me.

Dr. More.

You retired, I think, to France, whither, no doubt, you carried with you all thoſe generous thoughts and conſolatory reflections, which refreſh the ſpirit of a good man under a conſciouſneſs of ſuffering virtue.

Mr. Waller.

Why not, if *prudence* be a virtue? for what but certain prudential regards (which in common language and common ſenſe are quite another thing from vicious compliances) have hitherto, as you have ſeen, appeared in my conduct? But be they what they will, they had a very natural effect, and one which will always attend on ſo reaſonable a way of proceeding. For, ſince you preſs me ſo much, I ſhall take leave to ſuggeſt an obſervation to you, more obvious as well as more candid than any you ſeem inclined to make on the circumſtances of this long relation. It is,

" that

" that the *pretended* penitence for my paſt life, and the readineſs I ſhewed to acquieſce in the *falſe* accounts which the parliament gave of my plot, ſaved my life, and procured my liberty; whilſt the *real and true* diſcoveries I made, to gain credit to *both*, hurt my reputation." But ſuch a reflection might have ſhocked your ſyſtem too much. For it ſhews that all the benefit I drew to myſelf in this affair aroſe from thoſe *prudential maxims* you condemn, and that all the injury I ſuffered was owing to the *ſincerity* I ſtill mixed with them.

Dr. More.

Seriouſly, Sir,———

Mr. Waller.

I can gueſs what you would ſay: but you promiſed to hear me out, without interruption.

What remains I ſhall diſpatch in few words, having ſo fully vindicated the moſt obnoxious part of my life and opened the general principles I acted upon ſo clearly.

I went, as you ſaid, to *France*; where, inſtead of the churliſh humour of a male-content, or the unmanly dejection of a diſgraced exile, I appeared with an eaſe and gayety of mind, which made me welcome to the greateſt men of that country. The ruling principle of my philoſophy was to make the beſt of every ſituation. And as my fortune enabled me to do it, I lived with hoſpitality, and even ſplendor; and indulged myſelf in all

all the delights of an enlarged and elegant converſation. Such were my amuſements for ſome years; during which time, however, I preſerved the notions of loyalty, which had occaſioned my diſgrace, and waited ſome happier turn of affairs that might reſtore me with honour to my country. But when all hopes of this ſort were at an end, and the government, after various revolutions which are well known, ſeemed fixed and eſtabliſhed in the perſon of one man, it was not allegiance but obſtinacy to hold out any longer. I eaſily ſucceeded in my application to be recalled, and was even admitted to a ſhare in the confidence of the PROTECTOR. This great man was not without a ſenſibility of true glory, and for that reaſon was even ambitious of the honour which wit and genius are ever ready to confer on illuſtrious greatneſs. Every muſe of that time diſtinguiſhed, and was diſtinguiſhed by, him. Mine had even improved her voice and accent in a foreign country: and what nobler occaſion to try her happieſt ſtrain than this of immortalizing a hero?

"Illuſtrious acts high raptures do infuſe,
"And ev'ry conqueror creates a muſe;"

as I then ſaid in a panegyric, which my gratitude prompted me to preſent to him *.

Dr. MORE.

This panegyric preſented in verſe could hardly, I ſuppoſe, be ſuſpected of flattery.

* In the year 1654.

Mr.

Mr. WALLER.

I expected this; but the occasion, as I said, might have suggested a fairer interpretation. And why impute as a fault to me, what the reverend SPRAT, and DRYDEN himself, did not disdain to consecrate by their examples. Besides, as an argument of the unsullied purity of my intention, you might remember, methinks, that I asked no recompence, and accepted none, for the willing honours my muse paid him.

Dr. MORE.

It must be a sordid muse indeed, that submits to a venal prostitution. And, to do your profession justice, it is not so much avarice, or even ambition, as a certain gentler passion, the vanity, shall I call it, of being well with the *great*, that is so fatal to you poets.

Mr. WALLER.

I can allow for the satyr of this reproof, in a man of ancient and bookish manners. But, to shew my disinterestedness still more, you may recollect, if you please, that I embalmed his memory, when neither his favour nor his smile were to be apprehended.

Dr. MORE.

In the short reign of his son.—But what then, you made amends for all, by the congratulation on

on the happy return of his majesty. You know who it was that some body complimented in these lines *:

" He best can turn, enforce and soften things,
" To praise great conquerors and flatter kings."

Mr. Waller.

Was it for me to stem the torrent of a nations joys by a froward and unseasonable silence? Did not *Horace*, who fought at *Philippi*, do as much for *Augustus?* And should I, who had suffered for his cause, not embrace the goodness, and salute the returning fortunes of so good, so accomplished a master? His majesty himself, as I truly say of him, in the poem you object to me,

——— " with wisdom fraught,
" Not such as books, but such as practice (taught,"

did me the justice to understand my address after another manner. He, who had so often been forced by the necessities of his affairs to make compliances with the time, never resented it from me, a private man and a poet, that I had made some sacrifices of a like nature. All this might convince you of the great truth I meant to inculcate by this long recital, that not a sullen and

* I have not been able to find out from whom those verses are taken, though, from the familiar manner in which they are quoted, it should seem that the author was well known at that time.

inflexible *Sincerity*, but a fair and ſeaſonable *accommodation of one's ſelf*, to the various exigencies of the times, is the golden virtue that ought to predominate in a man of life and buſineſs. All the reſt, believe me, is the very cant of philoſophy, and unexperienced wiſdom.

Dr. More.

Wiſdom!—and muſt the ſanctity of that name—

Mr. Waller.

Hear me, ſir—No exclamations againſt the evidence of plain fact. I have a right to expect another conduct from him who is grown grey in the ſtudies of moral ſcience.

Dr. More.

You learned another leſſon in the ſchool of Falkland, Hyde, and Chillingworth.

Mr. Waller.

Yes, one I was obliged to unlearn. But ſince you remind me of that ſchool, what was the effect of adhering pertinaciouſly to its falſe maxims? To what purpoſe were the lives of *two* of them prodigally thrown away; and the honour, the wiſdom, the talents of the *other*, left to languiſh in baniſhment and obſcurity?

Dr. More.

O! prophane not the glories of immortal, though ſucceſsleſs virtue, with ſuch reproaches.

—Thoſe

—Thoſe adored names ſhall preach honour to future ages, and enthrone the majeſty of virtue in the hearts of men, when wit, and parts, and eloquence, and poetry, have not a leaf of all their withered bays to recommend them *.

Mr. WALLER.

Raptures and Chimæras—Rather judge of the ſentiments of future ages from the preſent. Where is the man, I ſpeak it without boaſting,

* I was, I confeſs, a little ſcandalized with the acrimony, and even paſſion, which Dr. *More* expreſſes in the cloſe of this converſation. It neither agreed, I thought, with the calmneſs of the ſpeaker's character, nor the decorum of a philoſophical dialogue. On hinting theſe ſcruples to a learned friend, he obſerved to me, that the nature of this philoſopher was, in truth, very irritable; and to confirm it, referred me to the following unaccountable paſſage in the *Enchiridion*, from which the candid reader will collect with what juſtice the charge of enthuſiaſm hath ſo often been brought againſt him by Mr. *Waller*.

" Ea eſt virtutis ratio, ut amet quæ optima ſunt, et à peſſimis abhorreat. Eſtque perfectiſſimus vitæ ſtatus bonum amare, malum autem *horrore* aut *indignatione* excipere, ubicunque emicuerit. Hoc enim arguit inferiorem animæ partem in conſenſum rapi à ſuperiori, totumque hominem igneis quaſi affectuum quadrigis, *Eliæ* inſtar, uſque ad cœlum deumque vehi.

Quodſi quis, ſub prætextu neſcio cujus affectatæ animi tranquillitatis, prudentiæ, pacifve ſtudii tolerare poſſet, ſine omni animi commotione, quod turpiter commiſſum eſt contra communia humani generis jura et æternas virtutis leges, cùm tamen privatâ quâvis injuriâ, in ſeipſum immiſſâ, ſatis uri et commoveri ſoleat, inſigne certè hoc eſſet ſpeciimen *Hypocriſeos*, quæ non tam ridenda eſſet, quam *ab omnibus mortalibus execranda*." Eth. Ench. l. i. c. 6.

that

that enjoys a fairer fame; who is better received in all places; who is more liſtened to in all companies; who reaps the fruits of a reaſonable and practicable virtue in every return of honour, more unqueſtionably, than he whoſe life and principles your outrageous virtue leads you to undervalue ſo unworthily? And take it from me as an oracle, which long age and experience enable me to deliver with all aſſurance, "Whoever in ſucceeding times ſhall form himſelf on the plan here given, ſhall meet with the ſafety, credit, applauſe, and, if he chuſes, honour and fortune in the world, which may be promiſed indeed, but never will be obtained by any other method *."

Dr. More.

You have ſpoken. But hear me now, I conjure you. Whilſt a poor deſpiſed philoſopher—

* It is certain many wiſe men have acted on this plan; but none more ſucceſsfully than the famous *Marquis of* Winchester, *Elizabeth's* lord treaſurer; "who having ſerved *four* princes, in various and changeable times, and being grown into high favour with the *laſt*, was queſtioned by an intimate friend of his, how he had ſtood up for thirty years together, amidſt the change and ruins of ſo many chancellors and great perſonages;" his reply was brief and oracular, and very conſonant with the wiſe apopthegm, here delivered by Mr. *Waller*: "Ortus sum e salice, non e quercu." Which may deſerve hereafter to be taken for the motto of every great ſtateſman. See Sir Robert Naunton's *Fragmenta Regalia*, p. 77.

Dr.

Mr. WALLER.

O! I have marked the emotion this diſcourſe of mine hath awakened in you. I have ſeen your impatience: I have watched your eyes when they ſparkled defiance and contradiction to my argument. But your warmth makes you forget yourſelf. I gave a patient hearing to all your eloquence could ſuggeſt in this cauſe. I even favoured your zeal, and helped to blow up your enthuſiaſm. The reſt fell to my turn; and beſides, the evening, as you ſee, ſhuts in upon us. Let us eſcape, at leaſt, from theſe dews into a warm apartment within doors; and then I ſhall not be averſe, eſpecially when you have taken a few minutes to recollect yourſelf, to debate with you what further remains upon this argment.

DIALOGUE II.

ON

RETIREMENT.

BETWEEN

Mr. ABRAHAM COWLEY,

AND

The Rev. Mr. THOMAS SPRAT.

Related in a Letter to the Right Honourable the Earl of St. ALBANS.

" Le meilleur de tous les biens, s'il y a des biens, c'eſt le repos, la retraite, et un endroit qui ſoit ſon domaine."

M. DE LA BRUYERE.

" Loquor de docto homine et erudito, cui vivere eſt cogitare."

CICERO.

Mihi quidem Vita Aulica usquequaque cordi non est. Notæ mihi ejus ærumnæ. Falso splendore multæ ejus miseriæ obtenduntur. Fuci in eâ multum, candoris parum est. Nulla est aula quæ vacat invidiâ, in quâ non desideretur amicitiæ fides, ubi voluntatum mutatio et subita ruina metuenda non sit. Aula vera bona non novit nisi sero. Umbris, famâ, specie, fallaciis, errore populari ducitur. Ut eos fortunatos dicere non dubitem, quibus illa cito et cum parvo incommodo defungi datum sit. Optabile est Sibi posse vivere et Musis; et cum paucis et non fallacibus amicis in Agelli angulo consenescere. Aut nulla est in hoc terrestri exilio, aut ea demum vera vita est.

To the Earl of St. Albans *.

My Lord,

THE duty I owe your Lordship, as well as my friendship for Mr. Cowley, determined me to lose no time in executing the commission you was pleased to charge me with by Mr. D****. I went early the next morning to Barn-Elms; intending to pass the whole day with him, and to try if what I might be able to suggest on the occasion, together with the weight of your lordship's advice, could not divert him from his strange project of *Retirement*. Your lordship, no doubt, as all his other friends, had observed his bias that way to be very strong; but who that knew his great sense, could have thought

* I find no mention of this letter, or of the commission sent by the Lord St. Albans to Mr. Sprat, to reclaim his friend from his passion for solitude, in the account of Mr. *Cowley's life:* unless it be glanced at in these words: "In his long dependence on my Lord *St. Albans*, there never happened any manner of difference between them; except a little at last, because he would leave his service:" For himself (Dr. *Sprat*) owns, "If any thing ought to have been changed in Mr. *Cowley's* temper and disposition, it was his earnest affection for *Obscurity and Retirement*."

of its carrying him to ſo extravagant a reſoluti-on? For my own part, I ſuſpected it ſo little, that, though he would often talk of retiring, and eſpecially ſince your lordſhip's late favour to him *, I conſidered it only as the uſual language of poets, which they take up one after another, and love to indulge in, as what they ſuppoſe becomes their family and profeſſion. It could never come into my thoughts, that one who knew the world ſo well as Mr. *Cowley*, and had lived ſo long in it, who had ſo fair hopes and ſo noble a patron, could ſeriouſly think of quitting the ſcene at his years, and all for ſo fantaſtic a purpoſe as that of growing old in the corner of a country village.

Theſe, my lord, were my ſentiments, when your friendly meſſage alarmed me with the apprehenſion of there being more in the matter than I had ſuſpected. Yet ſtill I conſidered it only as a haſty thought, which a fit of the ſpleen, or of the muſe, it may be, had raiſed; and which the free remonſtrance of a friend would eaſily diſperſe, or prevent at leaſt from coming to any fixed and ſettled reſolution. But how ſhall I expreſs to your lordſhip the ſurprize I was in to find that this reſolution was not only taken, but rooted ſo deeply in him, that no arguments, nor

* He means the eſtate he obtained by means of the Lord *St. Albans*. This particular is often attended to in the courſe of the Dialogue.

even

even your lordſhip's authority, could ſhake it? I have ever admired Mr. *Cowley*, as a man of the happieſt temper and trueſt judgment; but, to ſay the leaſt, there was ſomething ſo particular, I had almoſt ſaid perverſe, in what he had to alledge for himſelf on this occaſion, that I cannot think I acquit myſelf to your lordſhip, without laying before you the whole of this extraordinary converſation; and, as far as my recollection will ſerve, in the very words in which it paſſed betwixt us.

I went *, as I told your lordſhip, pretty early to BARN-ELMS; but my friend had gotten the ſtart of me by ſome hours. He was buſying himſelf with ſome improvements of his garden, and the fields that lie about his houſe. Theſe together make up his *intended* purchaſe; for your lordſhip's information was premature; as yet, he

* It ſeems pretty difficult to fix the time of this converſation with any certainty. The probability, in laying all circumſtances together, is, that it was in the ſpring, or rather early in the ſummer of the year 1661. It cannot be *earlier*, unleſs we ſuppoſe, what is very unlikely, and indeed contrary to Mr. *Cowley's* declaration in this dialogue, that he left the court immediately on the *Reſtoration*; nor *later*, if what his hiſtorian ſays be any thing near the truth; for he tells us, that he ſpent *his laſt ſeven or eight years in his beloved obſcurity*. [*Dr.* Sprat's *Life of Mr.* A. Cowley, *Fol.* Lond. 1668.] But he died in *July* 1667.—The *ſeaſon* of the year is eaſily collected from ſeveral hints which occur in the courſe of the converſation.

has only articled for a *leaſe* of three years *. The whole circuit of his domain was not ſo large, but that I preſently came up with him. "My dear friend, ſaid he, embracing me, but with a look of ſome reſerve and diſguſt, and is it you then I have the happineſs to ſee at length in my new ſettlement? Though I fled hither from the reſt of the world, I had no deſign to get out of the reach of my friends. And to be plain with you, I took it a little amiſs from one whoſe entire affection I had reckoned upon, that he ſhould leave me to myſelf for this whole two months, without diſcovering an inclination, either from friendſhip or curioſity, to know how this retirement agreed with me. What could induce my beſt friend to uſe me ſo unkindly?" Surely, ſaid I, you forget the ſuddenneſs of your flight, and the ſecreſy with which the reſolution was taken. We ſuppoſed you gone only for a few days, to ſee to the management of your affairs, and could not dream of your *ruſticating* thus long, at a time when the town and court are ſo buſy; when the occaſions of your friends and your own intereſts ſeemed to require your ſpeedy return to us. However, continued I, it doth not diſpleaſe me to

* This particular is not mentioned in his *Life* by Dr. *Sprat*, which, though it be finely written, is not ſo circumſtantial as were to be wiſhed in the detail of his hiſtory. It was, I ſuppoſe, at the expiration of this *term of three years*, that, not finding the place agree with his health, he removed to his farm at *Chertſey*, where he died 1667.—The curious reader loves to ſee theſe nicer chronologies well adjuſted.

find

find you so dissatisfied with this solitude. It looks as if the short experience you have had of this recluse life, did not recommend it to you in the manner you expected. Retirement is a fine thing in imagination, and is apt to possess you poets with strange visions. But the charm is rarely lasting; and a short trial, I find, hath served to correct these fancies. You feel yourself born for society and the world, and, by your kind complaints of your friend, confess how unnatural it is to deny yourself the proper delights of a man, the delights of conversation.

Not so fast, interrupted he, if you please, in your conclusions about the nature of retirement. I never meant to give up my right in the affections of those few I call my friends. But what has this to do with the general purpose of retreating from the anxieties of business, the intrigues of policy, or the impertinencies of conversation? I have lived but too long in a ceaseless round of these follies. The best part of my time hath been spent *sub dio*. I have served in all weathers, and in all climates, but chiefly in the torrid zone of politics, where the passions of all men are on fire, and where such as have lived the longest, and are thought the happiest, are scarcely able to reconcile themselves to the sultry air of the place. But this warfare is now happily at an end. I have languished these many years for the shade. Thanks to my Lord *St. Albans*, and another noble lord

you

you know of, I have now gained it. And it is not a ſmall matter, I aſſure you, ſhall force me out of this ſhelter.

Nothing is eaſier, ſaid I, than for you men of wit to throw a ridicule upon any thing. It is but applying a quaint figure, or a well-turned ſentence*, and the buſineſs is done. But indeed,

* It may ſeem ſtrange to hear Mr. *Cowley's* friend declare himſelf ſo roundly againſt *well-turned ſentences*, when, as one hath obſerved, all his own merit "was comprized in the well rounding a period." [Pope's works 12*mo*. Vol. IV. p. 159. *Lond.* 1753.] But I take this for a natural ſtroke of character. Nothing is more common, than for ſuch writers not to know, or to affect to undervalue, their own proper merits. And ſuch, it ſeems, was his language on other occaſions. "How many rewards (ſays he, in his famous *hiſtory of the R. Society*) which are due to more profitable and difficult arts, have been ſtill ſnatched away *by the eaſy vanity of fine ſpeaking?* For now I am warmed with this juſt anger, I cannot withold myſelf from betraying the ſhallowneſs of all theſe ſeeming myſteries, upon which we writers and ſpeakers look ſo big. And in few words, I dare ſay, that, of all the ſtudies of men, nothing may be ſooner obtained, than this *vicious abundance of phraſe, this trick of metaphors, this volubility of tongue*, which makes ſo great a noiſe in the world. But I ſpend words in vain"—[p. 112.] Nay, worſe than ſo: he ſpends them to the utter ruin of his own reputation as a writer, ſhould we take him at his word, and believe, (as after ſuch a ſpecimen of his *volubility* he ſcarcely ſuppoſed we could) that *this trick of phraſe*, which was his *all*, hath indeed ſo ſlender a merit in it. His judicious friend, who thought otherwiſe, and knew him better, perceived where his ſtrength lay, and hath accordingly made *this eaſy vanity of fine ſpeaking*, the baſis of that noble compliment which he paid him on his grand work.

my beſt friend, it gives me pain to find you not diverting only, but deceiving yourſelf with this unſeaſonable ingenuity. So long as theſe ſallies of fancy were employed only to enliven converſation, or furniſh matter for an ode or an epigram, all was very well. But now that you ſeem diſpoſed to *act* upon them, you muſt excuſe me if I take the matter a little more ſeriouſly. To deal plainly with you, I come to tell you my whole mind on this ſubject: and to give what I have to ſay the greater conſequence with you, I muſt not conceal from you, that I come commiſſioned by the excellent lord you honour ſo much, and have juſt now mentioned, to expoſtulate in the freeſt manner with you upon it.

We had continued walking all this time, and were now aſcending a ſort of natural terras. It led to a ſmall thicket, in the entrance of which

From all modern follies he
Has vindicated ELOQUENCE and WIT.
His CANDID STILE, like a clear ſtream, does glide,
And his bright fancy all the way
Does like the ſun-ſhine in it PLAY;
It does, like *Thames*, the beſt of rivers, glide
Where the god does not rudely o'erturn,
But GENTLY pour the cryſtal urn, [GUIDE.
AND WITH JUDICIOUS HAND DOES THE WHOLE CURRENT
'T has all the BEAUTIES nature can impart,
And all the comely DRESS, without the paint of art.

We ſee the *friend* and the *panegyriſt* in theſe charming lines; but through all the heightenings of *both*, we diſcern very clearly the hiſtorian's *true* character.

was

was a ſeat that commanded a pleaſant view of the country, and the river. Taking me up to it, "Well, ſaid he, my good friend, ſince your purpoſe in coming hither is ſo kind, and my Lord *St. Albans* himſelf doth me the honour to think my private concerns deſerving his particular notice, it becomes me to receive your meſſage with reſpect, and to debate the matter, ſince you preſs it ſo home upon me, with all poſſible calmneſs. But let us, if you pleaſe, ſit down here. You will find it the moſt agreeable ſpot I have to treat you with; and the ſhade we have about us, will not, I ſuppoſe, at this hour be unwelcome." And now, turning himſelf to me, "Let me hear from you, what there is in my retreat to this place, which a wiſe man can have reaſon to cenſure, or which may deſerve the diſallowance of a friend. I know you come prepared with every argument which men of the world have at any time employed againſt retirement; and I know your ability to give to each its full force. But look upon this ſcene before you, and tell me what inducements I can poſſibly have to quit it for any thing you can promiſe me in exchange? Is there in that vaſt labyrinth, you call the world, where ſo many thouſands loſe themſelves in endleſs wandrings and perplexities, any corner where the mind can recollect itſelf ſo perfectly, where it can attend to its own buſineſs, and purſue its proper intereſts ſo conveniently, as in this quiet and ſequeſtered ſpot? Here the paſſions ſubſide, or,

if

if they continue to agitate, do not however transport the mind with thoſe feveriſh and vexatious fervours, which diſtract us in public life. This is the ſeat of virtue and of reaſon; here I can faſhion my life by the precepts of duty and conſcience; and here I have leiſure to make acquaintance, that acquaintance which elſewhere is ſo rarely, if ever, made, with the ways and works of God. Think again, my friend. Doth not the genius of the place ſeize you? Do you not perceive a certain ſerenity ſteal in upon you? Doth not the aſpect of things around you, the very ſtillneſs of this retreat, infuſe a content and ſatisfaction, which the world knows nothing of? Tell me, in a word, is there not ſomething like enchantment about us? Do you not find your deſires more compoſed, your purpoſes more pure, your thoughts more elevated, and more active, ſince your entrance into this ſcene?"

He was proceeding in this ſtrain with an air of perfect enthuſiaſm, when I broke in upon him with aſking, "Whether this was what he called *debating the matter calmly with me?* Surely, ſaid I, this is poetry, or ſomething ſtill more extravagant. You cannot think I come prepared to encounter you in this way. I own myſelf no match for you at theſe weapons, which indeed are too fine for my handling, and very unſuitable to my purpoſe, if they were not. The point is not which of us can ſay the handſomeſt things, but the

the trueſt, on either ſide of the queſtion. It is, as you ſaid, plain argument, and not rhetorical flouriſhes, much leſs poetical raptures, that muſt decide the matter in debate. Not but a great deal might be ſaid on my ſide, and it may be, with more colour of truth, had I the command of an eloquence proper to ſet it off. I might aſk, in my turn, "Where is the mighty charm that draws you to this inglorious ſolitude, from the duties of buſineſs and converſation, from the proper end and employment of man? How comes it to paſs, that this ſtillneſs of a country landſcape, this uninſtructing, though agreeable enough ſcene of fields and waters, ſhould have greater beauty in your eye, than *flouriſhing peopled towns*, the ſcenes of induſtry and art, of public wealth and happineſs? Is not the *ſublime countenance* of man, ſo one of your acquaintance terms it, a more delightful object than any of theſe humble beauties that lie before us? And are not the human virtues, with all their train of lovely and beneficial effects in ſociety, better worth contemplating, than the products of inanimate nature in the field or wood? Where ſhould we ſeek for REASON, but in the minds of men tried and poliſhed in the ſchool of civil converſation? And where hath VIRTUE ſo much as a being out of the offices of ſocial life? Look well into yourſelf, I might ſay: hath not indeed the proper genius of ſolitude affected you? Doth not I know not what of chagrin and diſcontent hang about you?

Is

Is there not a gloom upon your mind, which darkens your views of human nature, and damps thoſe chearful thoughts and ſprightly purpoſes, which friendſhip and ſociety inſpire?

You ſee, ſir, were I but diſpoſed, and as able as you are, to purſue this way of fancy and declamation, I might conjure up as many frightful forms in theſe retired walks, as you have delightful ones. And the enchantment in good hands would, I am perſuaded, have more the appearance of reality. But this is not the way in which I take upon myſelf to contend with you. I would hear, if you pleaſe, what reaſons, that deſerve to be ſo called, could determine you to ſo ſtrange, and forgive me, if at preſent I am forced to think it, ſo unreaſonable a project, as that of devoting your health and years to this monaſtic retirement. I would lay before you the arguments, which, I preſume, ſhould move you to quit a haſty, perhaps an unweighed reſolution; ſo improper in itſelf, ſo alarming to all your friends, ſo injurious to your own intereſt, and, permit me to ſay, to the public. I would enforce all this with the mild perſuaſions of a friend; and with the wiſdom, the authority of a great perſon, to whoſe opinion you owe a deference, and who deſerves it too from the entire love and affection he bears you.

My deareſt friend, replied he, with an earneſtneſs that awed, and a goodneſs that melted me, I

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am not to learn the affection which either you or my noble friend bear me. I have had too many proofs of it from both to ſuffer me to doubt it. But why will you not allow me to judge of what is proper to conſtitute my own happineſs? And why muſt I be denied the privilege of chooſing for myſelf, in a matter where the different taſte or humour of others makes them ſo unfit to preſcibe to me? Yet I ſubmit to theſe unequal terms; and if I cannot juſtify the choice I have made, even in the way of ſerious reaſon and argument, I promiſe to yield myſelf to your advice and authority. You have taken me perhaps a little unprepared and unfurniſhed for this conflict. I have not marſhalled my forces in form, as you ſeem to have done; and it may be difficult, on the ſudden, to methodize my thoughts in the manner you may poſſibly expect from me. But come, ſaid he, I will do my beſt in this emergency. You will excuſe the rapture which hurried me, at ſetting out, beyond the bounds which your ſeverer temper requires. The ſubject always fires me; and I find it difficult, in entering on this argument, to reſtrain thoſe triumphant ſallies, which had better been reſerved for the cloſe of it.

Here he pauſed a little; and recollecting himſelf, "But firſt, reſumed he, you will take notice, that I am not at all concerned in the general queſtion, ſo much, and, I think, ſo vainly agitated,

tated, "*whether a life of retirement be preferable to one of action?*" I am not, I assure you, for unpeopling our cities, and sending their industrious and useful inhabitants into woods and cloysters. I acknowledge and admire the improvements of arts, the conveniencies of society, the policies of government *. I have no thought so mad or so silly, as that of wishing to see the tribes of mankind disbanded, their interests and connections dissolved, and themselves turned loose into a single and solitary existence. I would not even wish to see our courts deserted of their homagers, though I cannot but be of opinion, that an airing now and then at their country-houses, and that not with the view of diverting, but recollecting themselves, would prove as useful to their sense and virtue as to their estates. But all this, as I

* He is more reasonable here than in one of his *Essays*, where he says on this subject, "It is the great boast of eloquence and philosophy, that they first congregated men dispersed, united them into cities, and built up the houses and the walls of cities. I wish they could unravel all they had woven, that we might have our woods and our innocence again, instead *of our castles and our policies*." But this is the language of declamation. And in general, I think, we may observe, that though he is more lively and eloquent in his *Essays*, he explains his notions of life with more exactness and sobriety in this *Dialogue*. The reason may be, that in a debate with a friend, who is known to hold a contrary opinion, one is not so apt to indulge in these random flights as *in written Essays*, where there is no fear of instant contradiction. This shews the utility of *Dialogues*; which, when given from the life, as these are, must be of great authority, and of the highest use, to let us in to the true sentiments of the speakers.

ſaid, is ſo far from coming into the ſcheme of my ſerious wiſhes, that it does not ſo much as enter into my thoughts. Let wealth, and power, and pleaſure, be as eagerly ſought after as they ever will be: let thouſands or millions aſſemble in vaſt towns, for the ſake of purſuing their ſeveral ends, as it may chance, of profit, vanity, or amuſement. All this is nothing to me, who pretend not to determine for other men, but to vindicate my own choice of this retirement.

As much as I have been involved in the engagements of buſineſs, I have not lived thus long without looking frequently, and ſometimes attentively, into myſelf. I maintain, then, that to a perſon ſo moulded as I am, of the *temper and turn of mind*, which nature hath given me; of *the ſort of talents*, with which education or genius hath furniſhed me; and laſtly, or the circumſtances, in which fortune hath placed me; I ſay, to a perſon ſo characſtered and ſo ſituated, RETIREMENT is not only his choice, but his duty; is not only what his inclination leads him to, but his judgment. And upon theſe grounds, if you will, I venture to undertake my own apology to you.

Your propoſal, ſaid I, is very fair, and I can have no objection to cloſe with you upon theſe terms; only you muſt take care, my friend, that you do not miſtake or miſrepreſent your own talents or character; a miſcarriage, which, allow

me

me to say, is not very rare from the partialities which an indulged humour, too easily taken for nature, is apt to create in us.

Or what, replied he, if this humour, as you call it, be so rooted as to become a *second* nature; can it, in the instance before us, be worth the pains of correcting?

I should think so, returned I, in your case. But let me first hear the judgment you form of yourself, before I trouble you with that which I and your other friends make of you.

I cannot but think, resumed he, that my situation at present must appear very ridiculous. I am forced into an *apology* for my own conduct, in a very nice affair, which it might become another, rather than myself, to make for me. In order to this, I am constrained to reveal to you the very secrets, that is, the foibles and weaknesses of my own heart. I am to lay myself open and naked before you. This would be an unwelcome task to most men. But your friendship, and the confidence I have in your affection, prevail over all scruples. Hitherto your friend hath used the common privilege of wearing a disguise, of masking himself, as the poet makes his hero, in a *cloud*, which is of use to keep off the too near and curious inspection both of friends and enemies. But, at your bidding, it falls off, and you are

now to see him in his just proportion and true features.

My best friend, proceeded he with an air of earnestness and recollection, it is now above forty years that I have lived in this world; and in all the rational part of that time there hath not, I believe, a single day passed without an ardent longing for such a retreat from it, as you see me at length blessed with. You have heard me repeat some verses, which were made by me so early as the age of *thirteen*, and in which that inclination is expressed as strongly as in any thing I have ever said or written on that subject *. Hence you may guess the proper turn and bias of my nature; which began so soon, and hath continued thus long, to show itself in the constant workings of that passion. Even in my earliest years at school, you will hardly imagine how uneasy constraint of every kind was to me, and with what delight I broke away from the customary sports and pastimes of that age, to saunter the time away by myself, or with a companion, if I could meet with any such, of my own humour. The same inclination pursued me to college; where a private walk, with a book or friend, was beyond any amusement, which, in that sprightly season of life, I had any acquaintance with. It is with a

* These verses are inserted in one of his *Essays*, and in some editions of his works.

fond

fond indulgence my memory even now returns to theſe paſt pleaſures. It was in thoſe retired ramblings that a thouſand charming perceptions and bright ideas would ſtream in upon me. The muſe was kindeſt in thoſe hours: and I know not how, Philoſophy herſelf would *oftner* meet me amidſt the willows of the CAM, than in the formal ſchools of ſcience, within the walls of my college, or in my tutor's chamber.

I underſtand, ſaid I, the true ſecret of that matter. You had now contracted an intimacy with the poets, and others of the fanciful tribe. You was even admitted of their company; and it was but fit you ſhould adopt their fancies, and ſpeak their language. Hence thoſe day-dreams of *ſhade and ſilence*, and I know not what viſions, which tranſport the minds of young men on their entrance into theſe regions of *Parnaſſus*.

It ſhould ſeem then, returned he, by your way of expreſſing it, as if you thought this paſſion for *ſhade, and ſilence*, was only pretended on a principle of *faſhion*; or at moſt, was catched by the lovers of poetry from each other, in the way of *ſympathy*, without nature's having any hand at all in the production of it.

Something like that, I told him, was my real ſentiment; and that theſe agreeable reveries of the old poets had done much hurt by being ta-

ken too seriously. Were Horace and Virgil, think you, as much in earnest as you appear to be, when they were crying out perpetually on their favourite theme of *otium* and *secessus*, "they, who lived and died in a court?"

I believe, said he, they were, and that the short accounts we have of their lives shew it, though a perfect dismission from the court was what they could not obtain, or had not the resolution to insist upon. But pray, upon your principles, that all this is but the enchantment of *example* or *fashion*, how came it to pass, that the first seducers of the family, the old poets themselves, had fallen into these notions? They were surely no pretenders. They could only write from the heart; and methinks it were more candid, as well as more reasonable, to account for this passion, which hath so constantly shewn itself in their successors, from the same reason. It is likely indeed, and so much I can readily allow, that the early reading of the poets might contribute something to confirm and strengthen my natural bias *. But let the matter rest for the present. I

* Mr. *Cowley*, as usual, is more exact and guarded in this apology than in his *Essays*; where he seems willing to admit all that his friend now charges upon him. "Perhaps, (says he, speaking of the poets) it was the immature and immoderate love of them, which stamp't first, or rather engraved the characters in me: they were like letters cut in the bark of a young tree, which with the tree still grow proportionably."

would

would now go on with the detail of my own life and experience, so proper, as I think, to convince you that what I am pleading for is the result of nature.

I was saying how agreeably my youth passed in these reveries, if you will have it so, and especially *inter sylvas academi.*

Dura sed emovere loco me tempora grato,
Civilisque rudem belli tulit æstus in arma.

You know the consequence. This civil turmoil drove me from the shelter of retirement into the heat and bustle of life; from those studies which, as you say, had enchanted my youth, into business and action of all sorts. I lived in the world; I conversed familiarly with the great. A change like this, one would suppose, were enough to undo the prejudices of education. But the very reverse happened. The farther I engaged, and the longer I continued in this scene, the greater my impatience was of retiring from it. But you will say, my old vice was nourished in me by living in the neighbourhood of books and letters *. I was yet in the fairy land of the Muses;

[*Essay on himself.*] — Unless you will suppose, that this concession was made for the sake of introducing so fine and classical a comparison.

* "When the civil war broke out, his [Mr. *Cowley's*] affection to the king's cause drew him to *Oxford*, as soon as it began to be the chief seat of the royal party." [Dr. *Sprat's* life of him.]

and, under these circumstances, it was no wonder that neither arms, nor business, nor a court, could prevent the mind from returning to its own bias. All this may be true. And yet, I think, if that court had contained many such persons as some I knew in it, neither the distractions of business on the one hand, nor the blandishments of the Muse on the other, could have disposed me to leave it. But there were few Lord FALKLANDS.—And unhappily my admiration of that nobleman's worth and honour *, created an invincible aversion to the rest, who had little resemblance of his virtues.

I would not be thought, said I, to detract from so accomplished a character as that of the lord FALKLAND; but surely there was something in his notions of honour —

Not a word, interrupted he eagerly, that may but seem to throw a shade on a virtue the brightest and purest that hath done honour to these later ages.—But I turn from a subject that interests me

* Dr. *Sprat* tells us in *his life*, "That during his residence at *Oxford*, he had the entire friendship of my Lord *Falkland*, one of the principal secretaries of state. That affection was contracted by the agreement of their learning and manners. For you may remember, Sir, [addressing himself to Mr. *M. Clifford*] we have often heard Mr. *Cowley* admire him, not only for the profoundness of his knowledge, which was applauded by all the world, but more especially for those qualities which he himself more regarded, for *his generosity of mind, and his neglect of the vain pomp of human greatness*.

too

too much, and would lead me too far. Whatever attractions there might be in such a place, and in such *friendships*, the iniquity of the times soon forced me from them. Yet I had the less reason to complain, as my next remove was into the family of so beneficent a patron as the lord JERMYN, and into the court of so accomplished a princess, as the QUEEN MOTHER. My residence, you know, was now for many years in *France*; a country, which picques itself on all the refinements of civility, and pretends to make an art of its *ſçavoir vivre*. Here the world was to appear to me in its fairest light. And converſation, it was not doubted, would put on all its charms to wean me from the love of a ſtudious retired life. I will not ſay I was diſappointed in this expectation. All that the elegance of poliſhed manners could contribute to make ſociety attractive, was to be found in this new ſcene. It was beſides conſpicuous and magnificent. All the paint and glitter of a court was ſhed on it. My ſituation was ſuch, that I came to have a ſort of familiarity with greatneſs. Yet ſhall I confeſs my inmoſt ſentiments of this gilded life to you? I found it empty, fallacious, and even diſguſting. The outſide indeed was fair. But to me, who had an opportunity of looking it through, nothing could be more deformed and hateful. All was ambition, intrigue, and falſhood. Every one intent on his own ſchemes, frequently wicked, always baſe and ſelfiſh. Great profeſſions of honour,

nour, of friendſhip, and of duty; but all ending in low views and ſordid practices. No truth, no ſincerity*; without which converſation is but words; and the poliſh of manners, the idleſt foppery.

Surely, interpoſed I, this picture muſt be overcharged. Frailties and imperfections, no doubt, there will be in all ſocieties of men, eſpecially where there is room for competition in their purſuits of honour and intereſt. But your idea of a court is that of a den of thieves, only better dreſſed, and more civilized.

That, ſaid he, is the idea under which truth obliges me to repreſent it. Believe me, I have been long enough acquainted with that country, to give you a pretty exact account of its inhabitants. Their ſole buſineſs is to follow the humour of the prince, or of his favourite, to ſpeak the current language, to ſerve the preſent turn,

* To the ſame purpoſe the excellent archbiſhop *Tillotſon*, "I could not at a diſtance believe that *the upper end of the world* was ſo hollow, as I find it. I except a very few, of whom I can believe no ill, till I plainly ſee it." [*See his letter to lady* Ruſſel, *in Mr.* Birch's *life of the Archbiſhop*, p. 315.] The concurrence of two ſuch knowing and candid perſons, as Mr. *Cowley* and archbiſhop *Tillotſon*, in this opinion of the *upper part of the world*, were enough to lead one to ſtrange concluſions; which yet, after all, would, doubtleſs, be as unjuſt as they are uncharitable.

and

and to cozen one another*. In short, their virtue is dissimulation: and their sense, cunning. You will guess now, continued he, how uneasy I must be in such company; I, who cannot lye, though it were to make a friend, or ruin an enemy; who have been taught to bear no respect to any but true wisdom; and, whether it be nature or education, could never endure (pardon the foolish boast) that hypocrisy should usurp the honours, and triumph in the spoils of virtue. Nay further, my good friend, (for I must tell you all I know of myself, though it expose me ever so much to the charge of folly, or even vanity) I

* This whole invective against courts may give one occasion to admire the *probity* of the speaker's mind. But the reader, who knows the world, will be apt to think it a *probity* of the sort which an eminent German philosopher condemns in these words "J'avoue que la PROBITE est souvent accompagnée de PRESUMPTION et d' OBSTINATION dans les PETITS GENIES, et que les gens de ce caractere decident HARDIMENT, et condamnent avec trop de precipitation et trop de hauteur, CE QUI LEUR DEPLAIT, qui souvent EST TROP INDIFFERENT POUR MERITER DE LEUR DEPLAIRE." This ingenious *moralist* well observes, that it is only in *little minds*, *dans les petits genies*, that *probity* is attended with these bad symptoms. The *politician* will go further, and tell us who these *men of little minds* are. "Il ne faut se servir [says cardinal *Richlieu* in his *political Testament*] de GENS DE BAS LIEU; il sont TROP AUSTERES ET TROP DIFFICILES. So that poor *Cowley's* misfortune and ill success in the world was owing, after all, to the original sin of his *low birth*; it being impossible, the cardinal tells us, that so mean a stock, with all possible cultivation, should come to bear the more generous and courtly virtues.

was

was not born for courts and general converſation. Beſides the unconquerable averſion I have to knaves and fools, (though theſe laſt, but that they are commonly knaves too, I could bring myſelf to tolerate:) beſides this uncourtly humour, I have another of ſo odd a kind, that I almoſt want words to expreſs myſelf intelligibly to you. It is a ſort of capricious delicacy, which occaſions a wide difference in my eſtimation of thoſe characters in which the world makes no diſtinction. It is not enough to make me converſe with eaſe and pleaſure with a man, that I ſee no notorious vices, or even obſerve ſome conſiderable virtues in him. His good qualities muſt have a certain grace, and even his ſenſe muſt be of a certain turn, to give me a reliſh of his converſation. I ſee you ſmile at this talk, and am aware how fantaſtic this ſqueamiſhneſs muſt appear to you. But it is with men and manners, as with the forms and aſpects of natural things. A thouſand objects recall ideas, and excite ſenſations in my mind, which ſeem to be not perceived, or not heeded by other men. The look of a country, the very ſhading of a landſkip, ſhall have a ſenſible effect on me, which they who have as good eyes, appear to make no account of. It is juſt the ſame with the characters of men. I conceive a diſguſt at ſome, and a ſecret regard for others, whom many, I believe, would eſtimate juſt alike. And what is worſe, a long and general converſation hath not been able to cure me of this

this foible. I queſtion, ſaid he, turning himſelf to me, but, if I was called upon to aſſign the reaſons of that entire affection, which knits me to my beſt friend, they would be reſolved at laſt into a ſomething, which they, who love him perhaps as well, would have no idea of.

He ſaid this in a way that diſarmed me, or I had it in my mind to have rallied him on his doctrine of *occult qualities* and *unintelligible forms*. I therefore contented myſelf with ſaying, that I muſt not hear him go on at this ſtrange rate; and aſked him if it was poſſible he could ſuffer himſelf to be biaſſed, in an affair of this moment, by ſuch whimſies?

Thoſe whimſies, reſumed he, had a real effect. But conſider further, the endleſs impertinences of converſation; the diſſipation, and loſs of time; the diverſion of the mind from all that is truly uſeful or inſtructive, from what a reaſonable man would or ſhould delight in: add to theſe, the vexations of buſineſs; the ſlavery of dependence, the diſcourteſies of ſome, the groſſer injuries of others; the danger, or the ſcorn to which virtue is continually ſubject; in ſhort, the knavery, or folly, or malevolence of all around you; and tell me, if any thing but the unhappy times, and a ſenſe of duty, could have detained a man of my temper and principles ſo long in a ſtation of life ſo very uneaſy and diſguſting to me.

Nothing

Nothing is eaſier, ſaid I, than to exaggerate the inconveniencies of any ſituation. The world and the court have, doubtleſs, theirs. But you ſeem to forget one particular; that the *unhappy times* you ſpeak of, and the ſtate of the court, were an excuſe for part of the diſagreeable circumſtances you have mentioned. The face of things is now altered. The ſtorm is over. A calm has ſucceeded. And why ſhould not you take the benefit of theſe halcyon days, in which ſo many others have found their eaſe, and even enjoyment?

Theſe halcyon days, returned he, are not, alas! what unexperienced men are ready to repreſent them. The ſame vices, the ſame follies prevail ſtill, and are even multiplied and enflamed by proſperity. A ſuffering court, if any, might be expected to be the ſeed plot of virtues. But to ſatisfy your ſcruples, I have even made a trial of theſe happier times. All I wiſhed to myſelf from the happieſt, was but ſuch a return for my paſt ſervices, as might enable me to retire with decency. Such a return I ſeem not to have merited. And I care not, at this time of day, to waſte more of my precious time in deſerving a better treatment.

Your day, ſaid I, is not ſo far ſpent, as to require this haſty determination. Beſides, if this

this be all, the world may be apt to cenſure your retreat, as the effect of chagrin and diſappointment.

His colour roſe, as I ſaid this; the world, reſumed he, will cenſure as it ſees fit. I muſt have leave at length to judge for myſelf in what ſo eſſentially concerns my own happineſs. Though if ever *chagrin* may be pleaded as a reaſon for retirement, perhaps no body had ever a better right than I have to plead it. You know what hath happened of late, to give me a diſguſt to courts. You know the view I had in my late comedy *, and the grounds I had to expect the thanks of the miniſtry for it. But you know too the iſſue of that attempt. And ſhould I, after this experience of courtly gratitude, go about to ſolicit their favours? But to let you ſee that I am ſwayed by better motives than thoſe of *chagrin*, I ſhall not conceal from you what I am proud enough to think of my TALENTS, as well as temper.

* He means, I ſuppoſe, *The cutter of Coleman ſtreet*, the occaſion and purpoſe of which was this. At the reſtoration, there was not a ſet of men more troubleſome to the miniſtry than the cavalier officers; amongſt whom had crept in all the profligate of broken fortunes, to ſhare in the merits and rewards of that name. *Cowley* writ this comedy to unmaſk theſe wretches, and might reaſonably pretend to ſome thanks for it. But, contrary to expectation, this very attempt raiſed a ſtorm againſt him even at court, which beat violently upon him. See his preface to that play in the later editions in 8vo.

There

There are but two ſorts of men, purſued he, that ſhould think of living in a court, however it be that we ſee animals of all ſorts, clean and unclean, enter into it. The ONE is, of thoſe ſtrong and active ſpirits that are formed for buſineſs, whoſe ambition reconciles them to the buſtle of life, and whoſe capacity fits them for the diſcharge of its functions. Theſe, eſpecially if of noble birth and good fortunes, are deſtined to fill the firſt offices in a ſtate; and if, peradventure, they add virtue to their other parts and qualities, are the bleſſings of the age they live in. Some few ſuch there have been in former times; and the preſent, it may be, is not wholly without them.

The OTHER ſort are what one may properly enough call, if the phraſe were not ſomewhat uncourtly, the MOB OF COURTS; they, who have vanity or avarice without ambition, or ambition without talents. Theſe, by aſſiduity, good luck, and the help of their vices, (for they would ſcorn to earn advancement, if it were to be had, by any worthy practices) may in time ſucceed to the lower poſts in a government; and together make up that ſhewy, ſervile, ſelfiſh crowd we dignify with the name of COURT. Now, though I think too juſtly of myſelf to believe I am qualified to enter into the *former* of theſe liſts, you may conclude, if you pleaſe, that I am too proud to brigue for an

admiſſion into the *latter*. I pretend not to great abilities of any kind; but let me preſume a little in ſuppoſing, that I may have ſome too good to be thrown away on ſuch company.

Here, my lord, the unuſual freedom, and even indecency of Mr. *Cowley's* invective againſt courts, tranſported me ſo far, that I could not forbear turning upon him with ſome warmth. Surely, ſaid I, my friend is much changed from what I always conceived of him. This heat of language from one of your candour, ſurpriſes me equally with the injuſtice of it. It is ſo far from *calm reaſoning*, that it wants but little, methinks, of being downright railing. I believe, continued I, that I think more highly, that is, more juſtly of Mr. *Cowley* in every reſpect, than he allows himſelf to do. Yet I ſee not that either his time, or his talents, would be miſemployed in the ſervices he ſo undervalues. Allow me to ſay, your reſentment hath carried you too far; and that you do not enough conſider the friends you left at court, or the noble lord that wiſhes your return thither.

I do, ſaid he haſtily, conſider both. But, with your leave, ſince I am forced to defend myſelf againſt an ignominious charge, I muſt do myſelf the right to aſſume what I think belongs to me. I repeat it, I have long thought my time loſt in the poor amuſements and vani-

ties of the great world, and that I have felt an impatience to get into a quiet ſcene, where, ſlender as my talents are, I might employ them to better purpoſe.

And think not, proceeded he, that I am carried to this choice by any thing ſo frivolous as the idleneſs of a poetical fancy. Not but the Muſe, which hath been the darling of my youth, may deſerve to be the companion of my riper age. For I am far from renouncing an art, which, unprofitable as it hath ever been to me, is always entertaining. And when employed, as I mean it ſhall be, in other ſervices than thoſe by which a voluptuous court ſeems willing to diſgrace it*, I ſee not what there is in this amuſement of poetry, for the ſevereſt cenſor of life and manners to take offence at. Yet ſtill I intend it for an amuſement. My ſerious occupations will be very different; ſuch as you, my friend, cannot diſapprove, and ſhould encourage. But I have opened to you my intentions more than once, and need not give you the trouble at this time to hear me explain them.

You mean, interpoſed I, to apply yourſelf to *natural* and *religious* enquiries. Your deſign is commendable, and I would not diſſuade you from it. But what ſhould hinder

* This was ſpoken in 1661. What would he have ſaid, if he had continued in the court ſome years longer?

your purſuing this deſign as well in ſociety as in this ſolitude?

What, at COURT, returned he, where the only object, that all men are in queſt of, is GAIN, and the only deity they acknowledge, FORTUNE? or ſay, that ſuch idolatries did not prevail there, how ſhall the mind be calm enough for ſo ſublime enquiries? Or where, but in this ſcene of genuine nature, is there an opportunity to indulge in them? Here, if any where, is the obſervation of the poet verified, DEUS EST QUODCUNQUE VIDES. Look round, my friend, on this florid earth, on the various claſſes of *animals* that inhabit, and the countleſs *vegetable* tribes that adorn it. Here is the proper ſchool of wiſdom,

"And this our life, exempt from public haunt,
Finds tongues in trees, books in the running brooks,
Sermons in ſtones, and good in every thing *."

* There is a quaintneſs in theſe lines of the great poet, which however are not unlike ſome of his own, addreſſed to *J. Evelyne*, Eſq.

"Where does the wiſdom and the power divine,
In a more bright and ſweet reflexion ſhine?
Where do we finer ſtrokes and colours ſee,
Of the Creator's real poetry,
Than when we with attention look
Upon the third day's volume of the book?
If we could open and intend our eye,
We all, like *Moſes*, ſhould eſpy,
Even in a *Buſh*, the radiant Deity.

Infinite are the uſes, continued he, which would reſult from this method of applying experiment and obſervation to *Natural Science*. I have taken occaſion, you know, to offer a ſlight ſketch of them to the public very lately*. But the principal I would draw from it to myſelf ſhould be, to inure the mind to juſt conceptions of the divine nature; that ſo, with the better advantage, I might turn myſelf to the awful ſtudy of his *Word*. And here, my friend, I am ſenſible how much I may expect to be animated by your zeal, and enlightened by your inſtruction. In the mean time, I pretend to poſſeſs ſome qualities, which, if rightly applied, may not be unſuitable to ſo high and adventrous an undertaking. I feel myſelf impelled by an eager curioſity: I have much patience, and ſome ſkill in making experiments. I may even be allowed to boaſt of a readineſs in the learned languages: and am not without a tincture of ſuch other ſtudies, as the ſucceſsful proſecution of PHYSICS, and ſtill more of DIVINITY, requires. You may farther impute to me, if you pleaſe, an ingenuous love of truth, and an ordinary degree of judgment to diſcern it. Theſe, concluded he, are the TALENTS of which I ſpoke to you ſo

* I preſume he means the *preface* to his *Propoſition for the advancement of experimental philoſophy*. It muſt, as he ſays, have been *very lately*; for that *Propoſition*, I believe, was firſt printed in 1661. See the edition in 24to. Lond. for H. Herringham.

proudly;

proudly; and with the help of these, (especially if you allow me *one* other, the power of *communicating* what I may chance to learn of natural or divine things) I might hope to render a better account of this solitude, than of any employments I could reasonably aspire to, in the world of men and of business.

He said this with an air of solemnity, which left me a little at a loss what to reply to him, when he relieved my perplexity by adding, "but, though there was nothing of all this in the case, and my zeal for promoting knowledge in this private way, were as lightly to be accounted of, as *that*, which led me to propose the more extensive scheme I before mentioned, probably will be, yet what should draw me from this leisure of a learned retirement? For though I please myself with the prospect of doing some *public* service by my studies, yet need I blush to own to my learned friend, the fondness I should still have for them, were they only to end in my own *private* enjoyment? Yes, let me open my whole soul to you. I have ever delighted in letters, and have even found them, what the world is well enough content they should be, their own reward. I doubt, if this language would be understood in all companies. And let others speak as they find. But to me the year would drag heavily, and life itself be no life, if it were not quickened by these ingenuous pleasures.

Indeed, were it only for the very quiet and indolence of mind, which retirement promiſes, why ſhould I be envied this in the calm decline of a troubled life?—But let the Muſe ſpeak for me:

After long toils and voyages in vain,
This quiet port let my toſt veſſel gain;
Of heav'nly reſt this earneſt to me lend,
Let my life ſleep, and learn to love her end.

And what if they, who have not the means of enjoying this *reſt*, ſubmit to the drudgery of buſineſs? Is that a reaſon for me to continue in it, who have made my fortune, even to the extent of my wiſhes? I ſee you ſmile at this boaſt. But where would you have me ſtop in my deſires; or what is it you would have me underſtand by the myſterious language of *making a fortune?* is it two hundred a year, or four, or a thouſand? ſay, where ſhall we fix, or what limits will you undertake to preſcribe to the vague and ſhifting notion of a competency? or, ſhall we own the truth at once, that every thing is a *competency* which a man is contented to live upon, and that therefore it varies only, as his deſires are more or leſs unreaſonable? To talk at any other rate of a *man's fortune*, is to expoſe one's ſelf to the ridicule, which the philoſopher, you know, threw on the reſtleſs humour of king Pyrrhus. 'Tis whim, chimera, madneſs, or what you will, except ſober reaſon and common ſenſe. Yet ſtill the world cries,

cries, "What, ſit down with a pittance, when the ways of honour and fortune are open to you? Take up with what may barely ſatisfy, when you have ſo fair a chance for affluence, and even ſuperfluity?"

Alas! and will that *affluence* then do more than ſatisfy? or can it be worth the while to labour for a *ſuperfluity?*

'Tis true, the violence of the times, in which it was my fortune to bear a part, had left me bare and unprovided even of thoſe moderate accommodations, which my education and breeding might demand, and which a parent's piety had indeed bequeathed to me. It was but fitting then I ſhould ſtrive to repair this loſs; and the rather, as my honeſt ſervices gave me leave to hope for a ſpeedy reparation. And thus far I was contented to try my fortune in the court, though at the expence of ſome uneaſy attendance and ſollicitation. But ſeeing that this aſſiduity was without effect, and that the bounty of two excellent perſons * hath now ſet me above the neceſſity of continuing it, what madneſs were it to embark again

"Fluctibus in mediis et tempeſtatibus urbis?"

* Dr. Sprat tells us, "That he had obtained a plentiful eſtate by the favour of my lord St. Albans, and the bounty of my lord duke of Buckingham. [See *his Life.*]

So that if you will needs be urging me with the ceaſeleſs exhortation of

" I, bone, quo virtus tua te vocat: I pede fauſto
Grandia laturus meritorum præmia :"—

I muſt take leave to remind you of the ſage reply that was made to it. It was, you know, by an old ſoldier, who found himſelf exactly in my ſituation. The purſe, which he had loſt by one accident, he had recovered by another. The concluſion was, that he had no mind, in this different ſtate of affairs, to turn adventurer again, and expoſe himſelf to the ſame perilous encounters

" Poſt hæc ille catus, quantumvis RUSTICUS,
" Ibit,
Ibit eo, quo vis, QUI ZONAM PERDIDIT, inquit."

In one word, my friend, I am happy here, as you ſee me, in my little farm, which yet is large enough to anſwer all my real neceſſities; and I am not in the humour of him in the fable *, to fill my head with viſions, and ſpend a wretched life in queſt of the *flying iſland*.

* By this *fable*, I ſuppoſe, is meant, *The true hiſtory of Don Quixote*; in which poor Sancho Panca is drawn into all adventures, by the promiſe of his *honourable knight*, (whoſe word, the ſpeaker would inſinuate, was as much to be taken as that of any *right honourable miniſter* whatſoever) to reward him in due time, with the government of an *iſland*.

And now, added he, you have before you in one view the principal reaſons that have determined me to this retreat. I might have enlarged on each more copiouſly, but I know to whom I ſpeak: and perhaps to ſuch a one I might even have ſpared a good deal of what I have now been offering, from the ſeveral conſiderations of my TEMPER, TALENTS, and SITUATION.

Here he ſtopped. And now, my lord, it came to my turn to take the lead in this controverſy. There was indeed an ample field before me. And, if the other ſide of the queſtion afforded moſt matter for wit and declamation, mine had all the advantages of good ſenſe and ſound reaſon. The ſuperiority was ſo apparent, and my victory over him, in point of argument, ſo ſure, that I thought it needleſs and ungenerous to preſs him on every article of his defence, in which he had laid himſelf open to me. Your lordſhip hath, no doubt, obſerved with wonder and with pity, the ſtrange ſpirit that runs through every part of it: the confined way of thinking which hath crept upon him; the cynical ſeverity he indulges againſt courts; the importance he would ſometimes aſſume to his own character; the peeviſh turn of mind that leads him to take offence at the lighter follies and almoſt excuſable vices* of the great; in ſhort, the reſentment,

* This, no doubt, will ſound a little harſh to vulgar ears. But men of enlarged minds, who know the world, will ſee the

the pique, the chagrin, which one overlooks in the hopeleſs ſuitor, or hungry poet, but which

nothing in the inſinuation of this virtuous divine, but what may be fairly juſtified. The famous FENELON had, it ſeems, with the ſpirit of our COWLEY, been pretty free in cenſuring the *conduct* of a noble *Roman*, in a certain delicate conjuncture, "*as not conſiſtent with rigid morality.*" But let us hear what a man of morals, and what is more, a profeſſed inſtitutor of youth, has to ſay to this too ſcrupulous caſuiſt. You tell us, that the conduct in queſtion is not according to the rules of ſtrict morality. "Perhaps it is not: but are there not ſome grains of allowance to be made to great men engaged in high conteſts for life and honour, amid the ſhocks of fortune, and whirls of paſſion, that attend them? A philoſopher in his cloſet, and a general at the head of an army, or the chief at that of a party, have very different points of view. The conduct of life in this reſpect reſembles, methinks, that of a poem. Perhaps no poet ever compoſed from a *ſyſtem*; or was worth the reading, if he did. Carried along, or rather hurried away, by the fire of his fancy, and the luſtre of imagery dancing before his eyes, he indulges his vein, without regarding *Ariſtotle* or *Boſſu*. In like manner---But we need not complete the parallel. Every one ſees that, in the opinion of the late Mr. Profeſſor BLACKWELL, *Principal of the Mariſhall College in the univerſity of Aberdeen*, a great man hurried away by the fire of his *paſſions*, and the luſtre of *honours* or *pleaſures* dancing before him, is not accountable for his eſcapes to the neglected moraliſt, but may freely indulge his vein in ſpite of what his philoſophy, not to ſay his religion, may teach to the contrary. How liberal is the ſpirit of the modern *Shaftſburian* Ethics! Ancient moraliſts, and even the father of this virtuous ſect, were perpetually crying out on the *deformity* of vice; that is, of all exceſſive or irregular gratification of the paſſions; but this *complacent* caſuiſt of *North Britain* finds a certain poetical *grace* in conducting the drama of life, not by ſtrict rule, but the ſallies of imperious paſſion.---I ſhould not have ſaid thus much on ſo plain a point, but for the ſake of juſtifying Mr.

are

are very unaccountable in one of Mr. *Cowley's* condition and ſituation *. Here, my lord, was a fair occaſion for a willing adverſary. But I ſpared the infirmities of my friend. Theſe weak parts of his character, which expoſed him to ſo eaſy a reprehenſion, were the reaſon that I paſſed them over without notice. I judged it beſt to keep him in temper, and avoid that heat of altercation, which muſt have ariſen from touching theſe indiſcretions as they deſerved. Your lordſhip ſees the reaſon I had for confining my reply to ſuch parts of his apology as bore the faireſt ſhew of reaſon, and might be encountered without offence.

When he had ended, therefore, with ſo formal a recapitulation of his diſcourſe, I thought it not amiſs to follow him in his own train; and diſſembling the juſt exceptions I had to his vindication in other reſpects, "You have proceeded, ſaid I, in a very diſtinct method, and have ſaid as

Sprat, by ſo reſpectable and ſo recent an example. It might be added, no doubt, for the ſatisfaction of ſuch as love to ſee a compariſon *run on all four*, that the violation of rule in the real drama of life, is of as little conſequence to himſelf or mankind, as in the poet's fictitious ſcene. See *Memoirs of the court of Auguſtus*, Vol. II. p. 340.

* Mr. *Sprat*, to be ſure, looked upon his friend as a *gone man*, one that there was no hope of reclaiming to the court, or he might have ſpared himſelf, one is ready to think, the trouble of this comment to his lordſhip.

much,

much, I believe, on the ſubject, as ſo bad a cauſe would admit. But if this indeed be all you have to alledge, for ſo uncommon a fancy, you muſt not think it ſtrange, if I pronounce it without ſcruple, very inſufficient for your purpoſe. For, to give your ſeveral pleas a ſtricter examination, what is that TEMPER, let me aſk, on which you inſiſt ſo much, but a wayward humour, which your true judgment ſhould correct and controul by the higher and more important regards of *duty?* Every man is born with ſome prevailing propenſity or other, which, if left to itſelf, and indulged beyond certain bounds, would grow to be very injurious to himſelf and ſociety. There is ſomething, no doubt, amuſing in the notion of *retirement*. The very word implies eaſe and quiet, and ſelf-enjoyment. And who doubts, that in the throng and buſtle of life, moſt men are fond to image to themſelves, and even to wiſh for a ſcene of more compoſure and tranquillity? It is juſt as natural as that the labourer ſhould long for his repoſe at night: or that the ſoldier, amidſt the duſt and heat of a ſummer's march, ſhould wiſh for the conveniencies of ſhade and ſhelter. But what wild work would it make, if theſe ſo natural deſires ſhould be immediately gratified? If the labourer ſhould quit his plow, and the ſoldier his arms, to throw themſelves into the firſt ſhade or thicket that offered refreſhment? All you have therefore ſaid on this article can really ſtand for nothing in the eye of ſober reaſon, whatever figure

it

it may make in the dreſs of your eloquence *. The inconveniencies of every ſtation are to be endured from the obligations of duty, and on account of the ſervices one is bound to render to himſelf and his country.

True, replied he, if it appeared to be one's duty, or even intereſt, to continue in that ſtation. But what principle of conſcience binds me to a ſlaviſh dependance at court? or what intereſt, public or private, can be an equivalent for wearing theſe chains, when I have it in my power to throw them off, and redeem myſelf into a ſtate of liberty?

What *intereſt* do you aſk? returned I: why that great and extenſive one which *ſociety* hath in an honeſt and capable man's continuing to bear a part in public affairs. For as to inducements of another kind, I may find occaſion hereafter to preſs them upon you more ſeaſonably. Conſider well with yourſelf, what would the conſequence

* What the doctor imputes ſo civilly to his friend's *eloquence*, ſome will perhaps account for, from other reaſons. At leaſt, my lord BACON expreſſes himſelf in theſe words, —"As for the privateneſs of life of contemplative men, it is a theme ſo common to extol a private life, not taxed with ſenſuality and ſloth, in compariſon, and to the diſadvantage of a civil life, for ſafety, liberty, pleaſure, and dignity, *as no man handleth it, but handleth it well:* ſuch a conſonancy it hath to men's conceits in the expreſſing, and to men's conſents in the allowing." [*Adv. of Learning*, Book I.]

be,

be, if all men of honour and ability were to act upon your principles? What a world would this be, if knaves and fools only had the management in their hands, and all the virtuous and wise, as it were by common consent, were to withdraw from it? Nay, the issue would even be fatal to themselves; and they would presently find it impossible to taste repose, even in their own sanctuary of retirement.

Small need, replied he, to terrify one's self with such apprehensions. The virtuous, at least they who pass for such, will generally have ambition enough to keep them in the road of public employments. So long as there are such things as riches and honours, courts will never be unfurnished of suitors, even from amongst the tribes of lettered and virtuous men. The desperately bad, at least, will never have the field left entirely to themselves. And after all, the interest of men in office is, in the main, so providentially connected with some regard to the rules of honour and conscience, that there is seldom any danger that matters should come to extremities under the *worst* administration. And I doubt this is all we are to expect, or at least to reckon upon, with assurance, under the very *best*. But my answer is more direct. It is not for your little friend to think of getting a seat in the cabinet-council, or of conducting the great affairs of the state. He knows

knows himſelf to be as unfit for thoſe high truſts, as he is incapable of aſpiring to them. Beſides, he does not allow himſelf to doubt of their being diſcharged with perfect ability, by the great perſons who now fill them. He, at leaſt, who occupies the foremoſt place of authority, is, by the allowance of all, to be paralleled with ANY that the wiſeſt prince hath ever advanced to that ſtation. And when ſo conſummate a pilot ſits at the helm, it ſeems a matter of little moment by what hands the veſſel of the common-wealth is navigated.

I could not agree with him in this concluding remark, and much leſs in the high-flown encomium which introduced it*. But waving theſe leſſer matters, I contented myſelf with obſerving, "That let him put what gloſs he would on this humour of declining civil buſineſs, it muſt needs be conſidered by all unbiaſſed perſons, as highly prejudicial to public order and government; that if good men would not be employed, the bad muſt; and that, to ſay the leaſt, the cauſe of learning and virtue muſt ſuffer exceedingly in the eyes of men, when they ſee thoſe very qualities, which alone can render us uſeful to the world, diſpoſe us to fly from it."

* The ſpeaker is much to be commended for this caution. He was writing to the lord ST. ALBANS, and was, at this time, chaplain to the duke of BUCKINGHAM.

For

For as to the *plea*, continued I, of employing them to better purpoſe in the way of *private and ſolatory* CONTEMPLATION, I can hold it for little better than enthuſiaſm. Several perſons, I know, would give it a worſe name, and ſay, as *Tacitus* ſomewhere does, that it ſerves only for a ſpecious cover to that love of eaſe and ſelf-indulgence, which he will have to be at the bottom of ſuch pretences*. But even with the beſt conſtruction the matter was capable of, he would never, I inſiſted, juſtify that plea to the underſtandings of prudent and knowing men. We allow the obſcure pedant to talk high of the dignity of his office, and magnify, as much as he pleaſes, the importance of his ſpeculations. Such an indulgence ſerves to keep him in humour with himſelf, and may be a means to convert a low and plodding genius to the only uſe of which it is capable. But for a man of experience in affairs, and who is qualified to ſhine in them, to hold this language, is very extraordinary.

* This looſe way of quoting by memory, the reader may be ſure, has occaſioned the editor of theſe *Dialogues* no ſmall trouble. After turning over almoſt all *Tacitus*, he met, at laſt, with the following paſſage, which he believes may be that here glanced at.—" Ingenium illuſtre altioribus ſtudiis juvenis admodum dedit: non, ut PLERIQUE, UT NOMINE MAGNIFICO SEGNE OTIUM VELARET, ſed quo firmior adverſus fortuita rempublicam capeſſeret." [*Hiſt.* IV. 5.]—Part of the fine character given us of HELVIDIUS PRISCUS.

I ſaw

I saw with what impatience he heard me, and therefore took care to add, "'Tis true, the studies to which you would devote yourself, are the noblest in the world of science. For *divinity*, the very name speaks its elogium. And the countenance with which his majesty is pleased, in his true wisdom, to give to *natural science*, must be thought to enoble that branch of learning beyond all others, that are merely of human consideration. Yet still, my friend, what need of taking these studies out of the hands of those to whom they are properly intrusted? Religion is very safe in the bosom of the national church *. And questions of natural science will doubtless be effectually cleared and ventilated in the *new society* †, and

* It is certain many fathers of the church have been of this mind. But what if the *national church* itself should come into danger, and these fathers, as wholly unprepared, should find themselves unable to defend it? What would become of *religion* then? But the answer is not so difficult as it seems. For the truth is, there will generally be some churchmen, or, as it may happen, some layman, that is well instructed in these matters, and will take care of them. But what encouragement, it will still be asked, for these services? Not much, indeed, under such circumstances. But a sense of duty, and the love of truth, will carry some men a great way. Nor can any blame, in the mean time, light on the *pious fathers*. For the drudgery of controversy, as of prayer, is too officiously taken out of their hands.

† Meaning, I suppose, THE ROYAL SOCIETY; not erected if my conjecture of the *date* of this conversation be right, till the following year, but probably agreed upon, and certainly much talked of, at this time.

in the ſchools of our *univerſities*. It could never be his majeſty's intention to thin his court, for the ſake of furniſhing ſtudents in natural philoſophy.

And can you then, interpoſed he, in your concern for what you very improperly call my intereſts, allow yourſelf to ſpeak ſo coolly of the great intereſts of natural and divine truth? Is religion a trade to be confined to the craftſmen? Or, are fellows of colleges and of the royal ſociety, if ſuch we are to have, the only perſons concerned to adore God in the wonders of his creation? Pardon me, my friend, I know you mean nothing leſs; but the ſtrange indifference of your phraſe, provokes me to this expoſtulation.

You warm yourſelf, reſumed I, too haſtily. My deſign was only to ſuggeſt, that as there are certain orders of men appointed for the ſole purpoſes of ſtudying divinity, and advancing philoſophy, I did not ſee that a man of buſineſs was obliged to deſert his proper ſtation for the ſake of either.

I ſuſpect, ſaid he, there may be ſome equivocation wrapped up in that word *obliged*. All I know is, that I ſhall ſpend my time more innocently, at leaſt; and, I preſume to think, more uſefully in thoſe ſtudies, than in that ſlippery *ſtation*, if it may deſerve to be called one, of court-favour and dependance. And if I extended the obſerva-

obſervation to many others that are fond to take up their reſidence in theſe quarters, I cannot believe I ſhould do them any injuſtice.

I cannot tell, returned I, againſt whom this cenſure is pointed. But I know there are many of the graveſt characters, and even lights and fathers of the church, who do not conſider it as inconſiſtent, either with their duty, or the uſefulneſs of their profeſſion, to continue in that ſtation.

O! miſtake me not, replied he, I intended no reflexion on any of the clergy, and much leſs on the great prelates of the church, for their attendance in the courts of princes. Their's is properly an exempt caſe. They are the authorized guides and patterns of life. Their great abilities indeed qualify them, above all others, for ſerving the cauſe of ſcience and religion, by their private ſtudies and meditations. But they very properly conſider too, that part of their duty is to enlighten the ignorant of all ranks, by their wiſe and pious diſcourſe, and to awe and reclaim the wandering of all denominations, by their example. Hence it is, that I cannot enough admire the zeal of ſo many paſtors of the church, who, though the ſlaviſh manners and libertiniſm of a court, muſt be more than ordinarily offenſive to men of their characters, continue to diſcharge their office

ſo painfully, and yet ſo punctually, in that ſituation *.

Here, my lord, obſerving my friend for once to deliver himſelf ſo reaſonably, I was encouraged to add, that, ſince he was ſo juſt to maintain the commerce of good and wiſe churchmen in the great world to be, as it truly was, a matter of duty, he ſhould alſo have the candour to own, that his withdrawing from it was, at leaſt, a work of *ſupererogation.*

It might be ſo, he ſaid; but though our church gave no encouragement to think we *merit* by ſuch works, he did not know that it condemned and utterly forbad them.

O! but, returned I, if that be all, and you acknowledge at laſt that your *retiring* is no

* How amiable is this candour! Licentious men, on the other hand, draw ſtrange concluſions. Biſhop *Burnet* tells us of lord *Rocheſter*, "That the aſpirings he had obſerved at court of ſome of the clergy, with the ſervile ways they took to attain to preferment, had made him often think they ſuſpected the things were not true, which in their ſermons and diſcourſes, they ſo earneſtly recommended." [*Some paſſages of the life and death of the earl of* Rocheſter, p. 121.] We ſee that this unhappy lord, obſerving abundance of clergymen about the court, and not penetrating the true reaſon of their attendance, fell into the uncharitable ſurmiſe, that, like his lay-acquaintance, theſe reverend perſons were there only to do their own buſineſs.—Hence the ſtill more diſhonourable concluſion of their *infidelity*.

matter

matter of duty, it will be eaſy to advance another ſtep, and demonſtrate to you, that ſuch a project is, in your caſe, altogether unreaſonable*. For, notwithſtanding all you have ſaid, in the ſpirit and language of ſtoiciſm, of the comforts of your preſent SITUATION, will you ſeriouſly undertake to perſuade me that they are in any degree comparable to what you might propoſe to yourſelf, by returning to a life of buſineſs? Is the littleneſs, the obſcurity, and pardon me if I even ſay, the meanneſs of this retreat, to be put in competition with the liberal and even ſplendid proviſion, which your friends at court will eaſily be able to make for you? Is it nothing, my friend, (for let us talk common ſenſe, and not bewilder ourſelves with the viſions of philoſophy) is it nothing to live in a well furniſhed houſe, to keep a good table, to command an equipage, to have many friends and dependants, to be courted by inferiors, to be well received by the great, and to be ſomebody even in

* We have in this remonſtrance that follows, the uſual language of thoſe we call our *friends*; which may ſometimes be the *cauſe*, but is oftner the *pretence* of ambition. Hear how gravely Sir *Dudley Carlton*, who loved buſineſs, and drudged on in it all his life, is pleaſed, in an evil hour, to expreſs himſelf; "The beſt is, I was never better, and were it not more for a neceſſity that is impoſed by the EXPECTATION OF FRIENDS, not to ſtand at a ſtay and SENESCERE, whilſt a man is young, than for ambition, I would not complain myſelf of my misfortunes." [*Sir* RALPH WINWORD's *memorials*, Vol. II. p. 45.]

the *presence?* And what if, in order to compass such things, some little devoirs and assiduities are expected? Is it not the general practice? And what every body submits to, can it be ignominious? Is this any thing more than conforming one's self to the necessary subordination of society? And what if some time passes in these services, which a present humour suggests might be more agreeably spent in other amusements? The recompence cannot be far off; and, in the mean time, the lustre and very agitation of a life of business, hath something in it sprightly and amusing. Besides, your's is not the case of one that is entering for the first time on a course of expectation. Your business is half done. The prince is favourable; and there are of his ministers that respect and honour you. Your services are well known, your reputation is fair; your connexions great; and the season inviting. What, with all these advantages, forego the court in a moping mood, or, as angry men use, run to moralize in a cloyster!

I was proceeding in the warmth of this remonstrance, when with a reproachful smile he turned upon me, and, in a kind of rapture, repeated the following lines of SPENSER.

" Full little knowest thou, that hast not tride,
What hell it is in suing long to bide:

To

To loſe good days that might be better ſpent;
To waſte long nights in penſive diſcontent;
To ſpeed to-day, to be put back to-morrow;
To feed on hope, to pine with fear and ſorrow;
To have thy prince's grace, yet want his peeres *;
To have thy aſkings, yet wait many yeers †;
To fret thy ſoul with croſſes and with cares;
To eat thy hart through comfortleſſe deſpaires;
To faun, to crouche, to wait, to ride, to ronne;
To ſpend, to give, to want, to be undonne."

This, ſaid he, is my anſwer, once for all, to your long ſtring of interrogatories. I learnt it of one that had much experience in courts. And I thought it worth imprinting on my memory, to

* It appears how happy Mr. *Cowley* was in *his prince's grace*, from what the king ſaid of him, on the news of his death: "*That he had not left a* BETTER *man behind him in* England." But men of this character, we are told, are *trop auſteres et difficiles*. No wonder, then, that though he wanted not *his prince's grace*, he wanted *that of his peeres*.

† The application of this line is, doubtleſs, to the affair of the *maſterſhip of the* Savoy; "which, though granted, ſays Mr. *Wood*, to his higheſt merit by both the *Charles's* I. and II. yet, by certain perſons, enemies to the Muſes, he loſt that place." But this was not the worſt. For, ſuch is the hard lot of unſucceſsful men, the *Savoy-miſſing Cowley* became the object of ridicule inſtead of pity, even to the wits themſelves; as may be ſeen in "*The ſeſſion of the poets*, amongſt *the miſcellaneous poems* publiſhed by Mr. *Dryden*."

Quid DOMINI facient, audent ſi talia FURES?

have it in readineſs on ſuch an occaſion. Or, if you would rather have my anſwer in my own words, the muſe ſhall oblige you with it out of a little poem ſhe dictated very lately. It may ſhew you perhaps, that, though my nature be ſomewhat melancholy, I am not *moping*; and that I can moralize, and even *complain*, as I have reaſon to do, without being *angry* *.

The look and tone of voice with which he ſaid this, a little diſconcerted me. But I preſently recovered myſelf, and was going on to object to his unreaſonable warmth, and the faſcination of this wicked poetry, when he ſtopped me with ſaying, "Come, no more of theſe remonſtrances and upbraidings. I have heard enough of your pleadings in a cauſe which no eloquence can carry againſt my firm and fixed reſolutions. I have ſeen, beſides, the force you have done to yourſelf in this mock-combat. Your extreme friendlineſs hath even tempted you to act a part which your true ſenſe, and the very decorum of your profeſſion, I have obſerved through all your diſguiſes,

* From theſe hints, and another in the cloſe of the converſation, the poem ſpoken of muſt be that which is printed amongſt his works, under the name of THE COMPLAINT. The relation it has to the ſubject debated, made me think it not amiſs to print it at the end of this dialogue.—It muſt raiſe one's indignation to find that ſo juſt, ſo delicate, and ſo manly a *complaint* ſhould be ſcoffed at, as it was by the wits before mentioned, under the name of THE PITIFUL MELANCHOLY.

has

has rendered painful to you. I will tell you my whole mind in one word. No inducements of what the world calls INTEREST, no views of honour, no, nor what the poet aptly calls, the SANCTISSIMA DIVITIARUM MAJESTAS *, ſhall make me recede from the purpoſe I am bent upon, of conſecrating the remainder of a comfortleſs diſtracted life, to the ſweets of this obſcure and deſpiſed retirement. Believe me, I have weighed it well, with all its inconveniencies. And I find them ſuch as are nothing to the agonies I have long felt in that troubled ſcene to which you would recall me. If it hath any ingredients which I cannot ſo well reliſh, they are ſuch as my friends, and above all, ſuch as you, my beſt friend, may reconcile to me. Let me but have the pleaſure to ſee the few I love and eſteem in theſe ſhades, and I ſhall not regret their ſolitude. And as for my much honoured friend, whoſe munificence hath placed me in them, I ſhall hope to ſatisfy him in the moſt effectual manner. Nothing, you will believe, could give me a pain equal to that of being ſuſpected of ingratitude towards my beſt benefactor. It was indeed with the utmoſt difficulty that I conſtrained myſelf at laſt to think of leaving his ſervice. The truth is, he expoſtulated with me upon it pretty roundly; and though my reſolution was taken, I left him with the concern of not being able to give him entire ſatisfaction. Theſe repeated inſtances by you are a freſh proof of his

* Juvenal, *Sat.* i. ver. 112.

goodneſs,

goodneſs, and do me an honour I had little reaſon to expect from him. But his lordſhip's notions of life and mine are very different, as is fitting in perſons whom fortune hath placed in two ſuch different ſituations. It becomes me to bear the moſt grateful remembrance of his kind intentions; and for the reſt, I can aſſure myſelf, that his equity and nobleneſs of mind will permit an old ſervant to purſue, at length, his own inclinations. However, to repay his goodneſs as I can, and to teſtify all imaginable reſpect to his judgment, I have purpoſed to write my own APOLOGY to his lordſhip; and to repreſent to him in a better manner than I have done in this ſudden and unpremeditated converſation, the reaſons that have determined me to this ſo unwelcome reſolution. I have even made ſome progreſs in the deſign, and have digeſted into ſeveral *eſſays* the ſubſtance of ſuch reflections as, at different times, have had moſt weight with me *.

* Whether it were owing to his other occupations, or that he had no great confidence in the ſucceſs of this attempt, theſe *Eſſays*, which, as he ſays, *were to give entire ſatisfaction* to his court-friend in the affair of his retirement, went on very ſlowly. They were even left imperfect at his death, "a little before which (ſays Dr. *Sprat*) he communicated [he ſhould rather, we ſee, have ſaid, *repeated*] to me his reſolutions, to have dedicated them all to my lord *St. Albans*, as a teſtimony of his entire reſpects to him; and a *kind of apology* for having left human affairs in the ſtrength of his age, while he might have been ſerviceable to his country." However, if this apo-

Hearing

Hearing him ſpeak in ſo determined a manner, I was diſcouraged from preſſing him further with ſuch other conſiderations as I had prepared on this argument. Only I could not help enforcing, in the warmeſt manner, and in terms your lordſhip would not allow me to uſe in this recital, what he himſelf had owned of your unexampled goodneſs to him; and the obligation which, I inſiſted, that muſt needs create in a generous mind, of paying an unreſerved obedience to your lordſhip's pleaſure. He gave me the hearing very patiently; but contented himſelf with repeating his deſign of juſtifying himſelf to your lordſhip in the apology he had before promiſed.

And now, reſumed he, with an air of alacrity, ſince you know my whole mind, and that no remonſtrances can move me, confeſs the whole truth; acknowledge at laſt, that you have diſſembled with me all this while, and that, in reality, you approve my reſolution. I know you do, my friend, though you ſtruggle hard to conceal it. It cannot be otherwiſe; Nature, which linked our hearts together, hath formed us in one mould. We have the ſame ſenſe of things; the ſame love of letters and of virtue. And though I would not ſo-

logy had not the *intended* effect, it had a much better. Lords and wits may decide of the qualities of Mr. *Cowley's head* as they pleaſe; but as long as theſe *Eſſays* remain, they will oblige all honeſt men *to love the language of his heart.*

licit

licit one of your years, and your profeſſion, to follow me into the ſhade, yet I know you ſo well*, that you will preſerve in the world that equal frame of mind, that indifference to all earthly things, which I pretend to have carried with me into this ſolitude. Go on, my friend, in this track; and be an example to the churchmen of our days, that the higheſt honours of the gown, which I eaſily foreſee are deſtined to your abilities, are not incompatible with the ſtricteſt purity of life, and the moſt heroic ſentiments of integrity and honour. Go, and adorn the dignities which are reſerved for you; and remember only in the heights of proſperity to be what you are, to ſerve the world with vigour, yet ſo as to indulge with me

"THE GENEROUS SCORN
OF THINGS, FOR WHICH WE WERE NOT BORN †."

I began to be a little uneaſy at his long ſermon, when he broke it off with this couplet. The

* This addreſs, we are to obſerve, was to the *reverend Mr. T. Sprat*: the *doctor* and the *biſhop* was quite another thing. And yet there were ſome hints let fall, even in this converſation, from which ſo knowing a perſon, as our poet, might have made a ſort of gueſs at the *doctor* and *biſhop*. But friendſhip, as they ſay of love, is blind: and, we have ſeen by a *late* inſtance of a much greater *poet*, that there is no natural ſagacity which may not be *hood-winked* by the juggling of this paſſion.

† A citation from one of his own poems.

day

day by this time was pretty far advanced; and rising from his seat, he proposed to me to walk into his hermitage, (so he called his house;) where he said, I should see how a philosopher lived as well as talked. I staid to dine, and spent a good part of the afternoon with him. We discoursed of various matters; but not a word more on what had occasioned this visit. Only he shewed me the *complaining poem* he had mentioned, and of which, for the pleasure so fine a composition will give you, I here send your lordship a copy. His spirits, he said, were enlivened by the face of an old friend; and indeed I never knew his conversation more easy and chearful*; which yet I could not perfectly enjoy for the regret the ill success of my negotiation had given me.

I returned to town in the evening, ruminating on what had passed, and resolving to send your lordship an exact account of our conversation. I particularly made a point of suppressing nothing which Mr. *Cowley* had to say for himself in this debate, however it may sometimes seem to make against me. The whole hath grown under my pen into a greater length than I expected. But

* It may seem at first sight, as if this *chearfulness* had been occasioned by *the face of his old friend*, and that otherwise it was not his natural humour. But this was not the speaker's mind. He tells us himself, speaking of Mr. *Cowley's* retreat, that "some few friends and books, a *chearful heart*, and innocent conscience, were his constant companions."

your

lordſhip wiſhed to know the bottom of our friend's mind, and I thought you would ſee it more diſtinctly and clearly in this way than in any other. I am, my lord, with the moſt profound reſpect,

Your Lordſhip's moſt obedient

and faithful Servant,

T. SPRAT.

THE COMPLAINT.

IN a deep viſion's intellectual ſcene,
Beneath a bow'r for ſorrow made,
Th' uncomfortable ſhade
Of the black yew's unlucky green,
Mixt with the mourning willow's careful gray,
Where reverend CAM cuts out his famous way,
The melancholy *Cowley* lay:
And lo! a Muſe appear'd to's cloſed ſight,
(The Muſes oft in lands of viſions play)
Bodied, arrayed, and ſeen by an internal light:
A golden harp with ſilver ſtrings ſhe bore,
A wondrous hieroglyphic robe ſhe wore,

In

In which all colours, and all figures were,
That nature, or that fancy can create,
That art can never imitate;
And with looſe pride it wanton'd in the air,
In ſuch a dreſs, in ſuch a well-cloth'd dream,
She us'd of old, near fair *Iſmenus* ſtream,
Pindar her *Theban* favourite to meet;
A crown was on her her head, wings were on her feet.

II.

She touch'd him with her harp, and rais'd him from the ground;
The ſhaken ſtrings melodiouſly reſound.
Art thou return'd at laſt, ſaid ſhe,
To this forſaken place and me?
Thou prodigal, who didſt ſo looſely waſte
Of all thy youthful years, the good eſtate;
Art thou return'd here to repent too late?
And gather huſks of learning up at laſt,
Now the rich harveſt time of life is paſt,
And *Winter* marches on ſo faſt?
But when I meant t' adopt thee for my ſon,
And did as learn'd a portion aſſign,
As ever any of the mighty nine
Had to her deareſt children done;
When I reſolv'd t' exalt thy anointed name,
Among the ſpiritual lords of peaceful fame;
Thou changeling, thou, bewitch'd with noiſe and ſhow,
Would'ſt into courts and cities from me go;

Would'ſt

Would'ſt ſee the world abroad, and have a ſhare
In all the follies, and the tumults there,
Thou would'ſt, forſooth, be ſomething in a ſtate,
And buſineſs thou would'ſt find, and would'ſt create:
Buſineſs, the frivolous pretence
Of human luſts to ſhake off innocence:
Buſineſs; the grave impertinence:
Buſineſs! the thing which I of all things hate,
Buſineſs! the contradiction of thy fate.

III.

Go, renegado, caſt up thy account,
And ſee to what amount
Thy fooliſh gains by quitting me:
The ſale of knowldge, fame, and liberty,
The fruits of thy unlearn'd apoſtaſy.
Thou thought'ſt if once the public ſtorm were paſt,
All thy remaining life ſhould ſun-ſhine be:
Behold the public ſtorm is ſpent at laſt,
The ſovereign is toſt at ſea no more,
And thou with all the noble company,
Art got at laſt to ſhore.
But whilſt thy fellow voyagers, I ſee,
All march'd up to poſſeſs the promis'd land,
Thou ſtill alone (alas) doſt gaping ſtand
Upon the naked beach, upon the barren ſand.

IV.

As a fair morning of the bleſſed ſpring,
After a tedious ſtormy night;
Such was the glorious entry of our king,
Enriching moiſture drop'd on every thing:
Plenty he ſow'd below, and caſt about him light.
But then (alas) to thee alone,
One of old *Gideon's* miracles was ſhown,
For every tree, and every herb around,
With pearly dew was crown'd,
And upon all the quickened ground,
The fruitful ſeed of heaven did brooding lye,
And nothing but the Muſes fleece was drye.
It did all other threats ſurpaſs,
When God to his own people ſaid,
(The men whom thro' long wandrings he had led)
That he would give them ev'n a heav'n of braſs;
They look'd up to that heav'n in vain,
That bounteous heav'n, which God did not reſtrain,
Upon the moſt unjuſt to ſhine and rain.

V.

The *Rachael*, for which twice ſeven years and more
Thou didſt with faith and labour ſerve,
And didſt (if faith and labour can) deſerve,

Though she contracted was to thee,
Giv'n to another who had store
Of fairer, and of richer wives before,
And not a *Leah* left, thy recompence to be.
Go on, twice seven years more thy fortune try,
Twice seven years more, God in his bounty may
Give thee, to fling away
Into the courts deceitful lottery.
But think how likely 'tis that thou
With the dull work of thy unwieldy plough,
Should'st in a hard and barren season thrive,
Should even able be to live;
Thou, to whose share so little bread did fall,
In the miraculous year, when *Manna* rain'd on all.

VI.

Thus spake the muse, and spake it with a smile,
That seem'd at once to pity and revile,
And to her thus raising his thoughtful head,
The melancholy *Cowley* said:
Ah wanton foe, dost thou upbraid
The ills which thou thyself hast made?
When in the cradle, innocent I lay,
Thou, wicked spirit, stolest me away,
And my abused soul didst bear
Into thy new-found worlds I know not where,
Thy golden *Indies* in the air;
And ever since I strive in vain
My ravished freedom to regain:
Still I rebel, still thou dost reign,
Lo, still in verse against thee I complain.

There

There is a ſort of ſtubborn weeds,
Which, if the earth but once, it ever breeds;
No wholeſome herb can near them thrive,
No uſeful plant can keep alive;
The fooliſh ſports I did on thee beſtow,
Make all my art and labour fruitleſs now;
Where once ſuch fairies dance, no graſs doth ever grow.

VII.

When my new mind had no infuſion known,
Thou gav'ſt ſo deep a tincture of thine own,
That ever ſince I vainly try
To waſh away th' inherent dye:
Long work perhaps may ſpoil thy colours quite,
But never will reduce the native white;
To all the ports of honour and of gain,
I often ſteer my courſe in vain,
Thy gale comes croſs and drives me back again.
Thou ſlack'neſt all my nerves of induſtry,
By making them ſo oft to be
The trinkling ſtrings of thy looſe minſtrelſie.
Whoever this world's happineſs would ſee,
Muſt as entirely caſt off thee,
As they who only heaven deſire,
Do from the world retire.
This was my error, this my groſs miſtake,
Myſelf a demy-votary to make,
Thus with *Sapphira*, and her huſband's fate,
(A fault which I, like them, am taught too late)
For all that I gave up, I nothing gain,
And periſh for the part which I retain.

VIII.

Teach me not then, O thou fallacious Muſe,
The court, and better king t' accuſe;
The heaven under which I live is fair;
The fertile ſoil will a full harveſt bear;
Thine, thine is all the barrenneſs; if thou
Mak'ſt me ſit ſtill and ſing, when I ſhould plough,
When I but think how many a tedious year
Our patient ſov'reign did attend
His long misfortunes fatal end;
How chearfully, and how exempt from fear,
On the great ſovereign's will he did depend,
I ought to be accurſt, if I refuſe
To wait on his, O thou fallacious muſe!
Kings have long hands (they ſay) and though I be
So diſtant, they may reach at length to me.
However, of all princes thou
Should'ſt not reproach rewards for being ſmall or ſlow;
Thou who rewardeſt but with popular breath,
And that too after death.

DIALOGUE III.

ON THE

Golden Age of Q. *Elizabeth.*

BETWEEN

The Hon. ROBERT DIGBY, Dr. ARBUTHNOT, and Mr. ADDISON.

OCCASIONED BY

A View of KENELWORTH CASTLE, in the Year 1716.

Relliquias veterumque vides monimenta virorum.

VIRG.

Hæc GENERA VIRTUTUM non ſolum in moribus noſtris, ſed vix jam in libris reperiuntur: Chartæ quoque, quæ illam priſtinam ſeveritatem continebant, obſoleverunt.

CICERO.

DIALOGUE III.

Mr. DIGBY, Dr. ARBUTHNOT, and Mr. ADDISON *.

IT happened, in the ſummer of the year 1716, that Dr. *Arbuthnot* and Mr. *Addiſon* had occaſion to take a journey together into *Warwickſhire*. Mr. *Digby*, who had received intelligence of their motions, contrived to give them the meeting at *Warwick*; where they intended to paſs a day or two, in viſiting the curioſities of that

* Beſides the curioſity of the matter debated in the two following Dialogues, there is a farther circumſtance to recommend them, that they were written, as I think we are to conclude, by the Hon. ROBERT DIGBY. This appears from ſome internal marks, which the attentive reader will obſerve; but chiefly from the little reſemblance the ſtyle of the dialogue has to that of the other two ſpeakers. The length and particularity of the recital may give occaſion to ſuſpect, that it was drawn up with ſome liberty in the *form*, though, doubtleſs, with great exactneſs as to the *ſubſtance* of the converſation.--- All we knew before of the ingenious writer, was from the few letters of his extant in *Pope's* works; which, together with the eſteem had of him by that excellent perſon, ſpeak, indeed, very ſtrongly in his favour.

fine town, and the more remarkable of those remains of antiquity that are to be seen in its neighbourhood. These were matter of high entertainment to all of them; to Dr. *Arbuthnot*, for the pleasure he had in recollecting the ancient times; to Mr. *Addison*, on account of some reflexions of another kind he was fond of indulging on such occasions; and to Mr. *Digby*, from a mere motive of curiosity, and the love of seeing and observing whatever was most remarkable, whether in the past ages, or the present.

Amongst other things that amused them, they were much taken with the great church at *Warwick*. They entertained themselves with the several histories, which so many old monuments recalled to their memory*. The famous inscription of Sir FULK GREVIL occasioned many reflexions; especially to Mr. DIGBY, who had used to be much affected with the fame and fortunes of the accomplished Sir PHILIP SYDNEY. The glory of the house of WARWICK was also an ample field of meditation. But what chanced to take their attention most, was the monument of the great earl of LEICESTER. It recorded his titles at full length, and was, besides, richly decorated with sculpture, displaying the various ensigns and trophies of his greatness. The pride of this minister had never appeared to them so conspicu-

* For the account of these *Monuments*, and of *Kenelworth-Castle*, see the plans and descriptions of *Dugdale*.

ous

ous, as in the legends and ornaments of his tomb-ſtone; which had not only outlived his family, but ſeemed to aſſure itſelf of immortality, by taking refuge, as it were, at the foot of the altar. Theſe funeral honours engaged them in ſome common reflexions on the folly of ſuch expedients to perpetuate human grandeur; but at the ſame time, as is the uſual effect of theſe things, ſtruck their imaginations very ſtrongly. They readily apprehended what muſt have been the ſtate of this mighty favourite in his life-time, from what they ſaw of it in this proud memorial, which continued in a manner to inſult poſterity ſo many years after his death. But underſtanding that the fragments at leaſt of his ſupreme glory, when it was flouriſhing at its height, were ſtill to be ſeen at KENELWORTH, which they knew could be at no great diſtance, they reſolved to viſit them the next day, and indulge to the utmoſt the ſeveral reflexions which ſuch ſcenes are apt to inſpire. On inquiry they found it was not more than five or ſix miles to the caſtle; ſo that by ſtarting early in the morning, they might eaſily return to dinner at *Warwick*. They kept to their appointment ſo well, that they got to *Kenelworth* in good time, and had even two or three hours on their hands to ſpend, in taking an exact view of the place.

It was luckily one of thoſe fine days, which our travellers would moſt have wiſhed for, and which indeed are moſt agreeable in this ſeaſon;

it was clear enough to afford a distinct prospect of the country, and to set the objects they wanted to take a view of in a good light, and yet was so conveniently clouded as to check the heat of the sun, and make the exercise of walking, of which they were likely to have a good deal, perfectly easy to them.

When they alighted from the coach, the first object that presented itself, was the principal GATEWAY of the castle. It had been converted into a farm-house, and was indeed the only part of these vast ruins that was inhabited. On their entrance into the *inner-court*, they were struck with the sight of many mouldring towers, which preserved a sort of magnificence even in their ruins. They amused themselves with observing the vast compass of the whole, with marking the uses, and tracing the dimensions of the several parts. All which it was easy for them to do by the very distinct traces that remained of them, and especially by means of *Dugdale's* plans and descriptions, which they had taken care to consult. After rambling about for some time, they clambered up a heap of ruins, which lay on the west-side the court: and thence came to a broken tower, which, when they had mounted some steps, let them out into a path-way on the tops of the walls. From this eminence they had a very distinct view of the several parts they had before contemplated; of the *gardens* on the north-side; of

of the *winding meadow* that encompaſſed the walls of the caſtle, on the weſt and ſouth; and had, beſides, the command of the country round about them for many miles. There was ſomething ſo auguſt in the mingled proſpect of ſo many antique towers falling into rubbiſh, and in the various beauties of the landſkape, that they were all of them, as it were, ſuſpended in admiration, and continued ſilent for ſome time.

At length, recovering himſelf, I perceive, ſaid Dr. *Arbuthnot*, we are all of us not a little affected with the ſight of theſe ruins. They even create a melancholy in me; and yet a melancholy of ſo delightful a kind, that I would not exchange it, methinks, for any briſker ſenſation. The experience of this effect hath often led me to enquire, how it is that the mind, even while it laments, finds ſo great a pleaſure in viſiting theſe ſcenes of deſolation. Is it, continued he, from the pure love of antiquity, and the amuſing train of reflexions into which ſuch remains of ancient magnificence naturally lead us?

I know not, returned Mr. *Addiſon*, what pain it may give you to contemplate theſe triumphs of time and fortune. For my part, I am not ſenſible of the mixt ſenſation you ſpeak of. I feel a pleaſure indeed; but it is ſincere, and, as I conceive, may be eaſily accounted for. 'Tis nothing

thing more, I believe, than a fiction of the imagination, which makes me think I am taking a revenge on the once proſperous and overſhadowing height, PRÆUMBRANS FASTIGIUM, as ſomebody expreſſes it, of inordinate greatneſs. It is certain, continued he, this theatre of a great ſtateman's pride, the delight of many of our princes, and which boaſts of having given entertainment to one of them in a manner ſo ſplendid, as to claim a remembrance, even in the annals of our country, would now, in its preſent ſtate, adminiſter ample matter for much inſulting reflexion. "Where, one might aſk, are the tilts and tournaments, the princely ſhews and ſports which were once ſo proudly celebrated within theſe walls? where are the pageants, the ſtudied devices and emblems of curious invention, that ſet the court at a gaze, and even tranſported the high ſoul of our ELIZABETH? where now, purſued he, (pointing to that which was formerly a canal, but at preſent is only a meadow with a ſmall rivulet running through it) where is the floating iſland, the blaze of torches that eclipſed the day, the lady of the lake, the ſilken nymphs her attendants, with all the other fantaſtic exhibitions ſurpaſſing even the whimſies of the wildeſt romance? what now is become of the revelry of feaſting? of the minſtrelſy, that took the ear ſo delightfully as it babbled along the valley, or floated on the ſurface of this lake? ſee there the ſmokeleſs kitchens, ſtretching to a length that might give room

for

for the ſacrifice of a hecatomb; the vaulted hall, which mirth and jollity have ſet ſo often in an uproar; the rooms of ſtate, and the preſence-chamber; what are they now but void and tenantleſs ruins, claſped with ivy, open to wind and weather, and preſenting to the eye nothing but the ribs and carcaſe, as it were, of their former ſtate? And ſee, ſaid he, that proud gate-way, once the manſion of a ſurly porter *, who, partaking of the pride of his lord, made the crouds wait, and refuſed admittance, perhaps, to nobles whom fear or intereſt drew to theſe walls, to pay their homage to their maſter; ſee it now the reſidence of a poor and humble tenant, who turns the key but to let himſelf out to his daily labour,

* The ſpeaker's idea of lord LEICESTER's porter agrees very well with the character he ſuſtained on the queen's reception at *Kenelworth*; as we find it deſcribed in a paper of good authority written at that time. "Here a PORTER, tall of perſon, big of limbs, ſtark of countenance—with club and keys of quantity according; in a rough ſpeech, full of paſſion in metre, while the queen came within his ward, burſt out in a great pang of impatience to ſee ſuch uncouth trudging to and fro, ſuch riding in and out, with ſuch din and noiſe of talk, within his charge; whereof he never ſaw the like, nor had any warning once, nor yet could make to himſelf any cauſe of the matter. At laſt, upon better view and advertiſement, he proclaims open gates and free paſſage to all; yields over his club, his keys, his office and all, and on his knees humbly prays pardon of his ignorance and impatience. Which her highneſs graciouſly granting, &c."---

A letter from an attendant in court to his friend a citizen and merchant of *London*. From the court at *Worceſter*, 20 *Aug.* 1575.

to

to admit him to a ſhort meal, and ſecure his nightly ſlumbers. All is ſolitude and ſilence. No voice of ſuitors to be heard. No hand ſollicits the brazen knocker, which diſuſe and ruſt have long ſince diſabled for its functions. Yet, by a ſtrange reverſe of fortune, this threſhold of ſtate, this remoteſt outwork of greatneſs, hath outlived the glory of the reſt, and hath even drawn to itſelf the whole of that little note and credit which time hath continued to this once pompous building. For while the reſt of it is crumbled into ſhapeleſs ruins, and is prophaned, as we there ſee, by the vileſt uſes, this remnant is left entire, ſheltered and cloſed in from bird and beaſt, and even affords ſome decent room in which the *human face divine* is not aſhamed to ſhew itſelf."

While Mr. *Addiſon* went on in this vein, his two friends ſtood looking at each other; as not conceiving what might be the cauſe of his expreſſing himſelf with ſo uncommon a vehemence. When the fit was over, I confeſs, ſaid Dr. *Arbuthnot*, this is no bad topic for a moraliſt to declaim upon. And, though it be a trite one, we know how capable it is of being adorned by him who, on a late occaſion, could meditate ſo finely on the TOMBS AT WESTMINSTER *. But ſurely, proceeded he, you warm yourſelf in this contem-

* In the Firſt Volume of the SPECTATOR.

plation, beyond what the ſubject requires of you. The vanity of human greatneſs is ſeen in ſo many inſtances, that I wonder to hear you harangue on this with ſo peculiar an exultation. There is no travelling ten miles together in any part of the kingdom without ſtumbling on ſome ruin, which, though perhaps not ſo conſiderable as this before us, would furniſh occaſion, however, for the ſame reflexions. There would be no end of moralizing over every broken tower, or ſhattered fabric, which calls to mind the ſhort-lived glories of our anceſtors.

True, ſaid Mr. *Addiſon*; and, if the ſhort continuance of theſe glories were the only circumſtance, I might well have ſpared the exultation, you ſpeak of, in this triumph over the ſhattered remnants of *Kenelworth*. But there is ſomething elſe that fires me on the occaſion. It brings to mind the fraud, the rapine, the inſolence of the potent miniſter who vainly thought to immortalize his ill-gotten glory by this proud monument. Nay, further, it awakens an indignation againſt the proſperous tyranny of thoſe wretched times, and creates a generous pleaſure in reflecting on the happineſs we enjoy under a juſter and more equal government. Believe me, I never ſee the remains of that greatneſs which aroſe in the paſt ages, on the ruins of public freedom and private property, but I congratulate with myſelf on living at a time, when the meaneſt ſubject is as free

and

and independent as those royal minions; and when his property, whatever it be, is as secure from oppression as that of the first minister. And I own this congratulation is not the less sincere, for considering that the instance before us is taken from the reign of the virgin queen, which it hath been the fashion to cry up above that of any other of our princes *. I desire no other confutation of so strange unthankful a preference, than the sight of this vast castle, together with the recollection of those means by which its master arrived at his enormous greatness.

Your indignation then, replied Dr. *Arbuthnot*, is not so much of the moral, as political kind. But is not the conclusion a little too hasty, when, from the instance of one over-grown favourite, you infer the general infilicity of the time in which he flourished? I am not, I assure you, one of those unthankful men who forget the blessings they enjoy under a prince of more justice and moderation than queen *Elizabeth*, and under a better constitution of government than prevailed in the days of our forefathers. Yet, setting aside some particular dishonours of that reign (of

* From the acrimony, with which the speaker here and elsewhere in these dialogues, condemns the humour of magnifying the character of *Elizabeth*, one would almost imagine he had foreseen, by a kind of political divination, the factious use, that was one day to be made of this argument. See the *Craftsman*, and *Remarks on the history of England*.

which,

which, let the tyranny of *Leiceſter*, if you will, be one) I ſee not but the acknowledged virtues of that princeſs, and the wiſdom of her government may be a proper foundation for all the honours that poſterity have ever paid to her.

Were I even diſpoſed to agree with you, returned Mr. *Addiſon*, I ſhould not have the leſs reaſon for triumphing as I do on the preſent ſtate of our government. For, if ſuch abuſes could creep in, and be ſuffered for ſo many years under ſo great a princeſs, what was there not to fear (as what, indeed, did not the ſubject actually feel) under ſome of her ſucceſſors? But to ſpeak my mind frankly, I ſee no ſufficient grounds for the exceſſive prejudice that hath ſome how taken place in favour of the GOLDEN REIGN, as it is called, OF ELIZABETH. I find neither the wiſdom, nor the virtue in it, that can entitle it to a preference before all other ages.

On the contrary, ſaid Dr. *Arbuthnot*, I never contemplate the monuments of that time, without a ſilent admiration of the virtues that adorned it. Heroes and ſages croud in upon my memory. Nay, the very people were of a character above what we are acquainted with in our days. I could almoſt fancy, the ſoil itſelf wore another face, and, as you poets imagine, on ſome occaſions, that our anceſtors lived under a brighter ſun and happier climate than we can boaſt of.

To be sure, said Mr. *Addison*, smiling; or, why not affirm, in the proper language of romance, that the women of those days were all chaste, and the men valiant? But cannot you suspect at least that there is some inchantment in the case, and that your love of antiquity may possibly operate in more instances than those of your favourite *Greeks* and *Romans?* Tell me honestly, pursued he, hath not this distance of a century and a half a little imposed upon you? do not these broken towers, which moved you just now to so compassionate a lamentation over them, dispose you to a greater fondness for the times, in which they arose, than can be fairly justified?

I will not deny, returned Dr. *Arbuthnot*, but we are often very generous to the past times, and unjust enough to the present. But I think there is little of this illusion in the case before us. And since you call my attention to these noble ruins, let me own to you that they do indeed excite in me a veneration for the times, of which they present so striking a memorial. But surely not without reason. For there is scarce an object in view that doth not revive the memory of some distinguishing character of that age, which may justify such veneration.

Alas, interrupted Mr. *Addison*, and what can these objects call to mind but the memory

ry of barbarous manners and a deſpotic government.

For the *government*, replied Dr. *Arbuthnot*, I do not well conceive how any concluſion about that can be drawn from this fabric. The MANNERS I was thinking of; and I ſee them ſtrongly expreſſed in many parts of it. But whether barbarous or not, I could almoſt take upon me to diſpute with you. And why indeed, ſince you allowed yourſelf to declaim on the vices, ſo apparent, as you ſuppoſe, in this monument of antiquity, may not I have leave to conſider it in another point of view, and preſent to you the virtues, which, to my eye at leaſt, are full as diſcernible?

You cannot, continued he, turn your eyes on any part of theſe ruins, without encountering ſome memorial of the virtue, induſtry, or ingenuity of our anceſtors.

Look there, ſaid he, on that fine room (pointing to the HALL, that lay juſt beneath them) and tell me if you can help reſpecting the HOSPITALITY which ſo much diſtinguiſhed the palaces of the great in thoſe ſimpler ages. You gave an invidious turn to this circumſtance, when you choſe to conſider it only in the light of waſteful expence and prodigality. But no virtue is privileged from an ill name. And on ſecond thoughts I perſuade myſelf it will appear you have injured

this, by ſo uncandid an appellation. Can it deſerve this cenſure, that the lord of this princely caſtle threw open his doors and ſpread his table for the reception of his friends, his followers, and even for the royal entertainment of his ſovereign? Is any expence more proper than that which tends to conciliate * frienſhips, ſpread the intereſts of ſociety, and knit mankind together by a generous communication in theſe advantages of wealth and fortune? The arts of a refined ſequeſtered luxury were then unknown. The ſame bell that called the great man to his table, invited the neighbourhood all around, and proclaimed a holiday to the whole country †. Who does not feel the decorum, and underſtand the benefits of this magnificence? the pre-eminence of rank and fortune was nobly ſuſtained: the ſub-

* It is remarkable that *Lucian* uſes the ſame expreſſion.—ΦΙΛΙΑΣ ΜΕΣΙΤΗΝ ΤΡΑΠΕΖΑΝ. Ἑταῖρος, c. 27.

† Beſides this ſort of hoſpitality, there was another ſtill more noble and diſintereſted, which diſtinguiſhed the early times, eſpecially the purer ages of chivalry. It was cuſtomary, it ſeems, for the great lords to fix up HELMETS on the roofs and battlements of their caſtles, as a ſignal of hoſpitality to all adventurers and noble paſſengers. "Adoncques etoit une couſtume en la grant Bretagne (ſays the author of the old romance, called PERCEFOREST) et fut tant que charité regna illecque, tous gentils hommes et nôbles dames faiſoient mettre au plus hault de leur hoſtel ung heaulme, en SIGNE que tous gentils hommes et gentilles femmes treſpaſſans les chemins, entraſſent hardyement en leur hoſtel comme en leur propre; car leurs biens eſtoient davantage à tous nobles hommes et femmes treſpaſſans le royaulme." Vol. iii. f. 103.

ordination

ordination of ſociety preſerved: and yet the envy, that is ſo apt to attend the great, happily avoided. Hence the weight and influence of the old nobility, who engaged the love, at the ſame time they commanded the veneration of the people. In the mean time rural induſtry flouriſhed; private luxury was diſcouraged; and in both ways that frugal ſimplicity of life, our country's grace and ornament in thoſe days, was preſerved and promoted.

It would ſpoil your panegyric, I doubt, ſaid Mr. *Addiſon*, to obſerve the factious uſe that was made of this magnificence, and the tendency it had to ſupport the pride and inſolence of the old nobility. The intereſt of the great, I am afraid, was but another name for the ſlavery of the people.

I ſee it, Dr. *Arbuthnot* ſaid, in a different light; and ſo did our princes themſelves, who could not but be well informed of the proper effects of that intereſt. They conſidered the weight of the nobility as a counterpoiſe to their own ſovereignty. It was on this account they had uſed all means to leſſen their influence. But the conſequence was beſide their expectation. The authority of the crown fell with it: and, which was ſtill leſs expected by political men, the liberty of the people, after it had wantoned for a time, ſunk under the general oppreſſion. It was

then discovered, but a little of the latest, that public freedom throve best when it wound itself about the stock of the ancient nobility. In truth, it was the defect, not the excess of patrician influence, that made way for the miseries of the next century.

You see then it is not without cause that I lay a stress, even in a political view, on this popular hospitality of the great in the former ages *.

But, lest you think I sit too long at the table, let us go on to the TILTYARD, which lies just before us; that school of fortitude and honour to our generous forefathers. A younger fancy, than mine, would be apt to kindle at the sight. And our sprighlier friend here, I dare say, has already taken fire at the remembrance of the gallant exercises which were celebrated in that quarter.

* A famous politician of the last century expresseth himself to much the same purpose after his manner. "Henceforth, says he [that is, after the statutes against retainers in *Hen.* VII's reign] the country lives, and *great tables* of the nobility, which no longer nourished veins that would bleed for them, were fruitless and loathsome till they changed the air, and of princes became *courtiers*; where their revenues, never to have been exhausted by beef and mutton, were found *narrow*; whence followed racking of rents, and, at length, sale of lands." Sir JAMES HARRINGTON'S OCEANA, p. 40. *Lond.* 1656.

Mr.

Mr. *Digby* owned, he had a ſecret veneration for the manly games of that time, which he had ſeen ſo triumphantly ſet forth in the old poets and romancers.

Right, ſaid Mr. *Addiſon*; it is preciſely in that circumſtance that the enchantment conſiſts. Some of our beſt wits have taken a deal of idle pains to enoble a very barbarous entertainment, and recommend it to us under the ſpecious name of gallantry and honour. But Mr. *Digby* ſees through the cheat. Not that I doubt, continued he, but the doctor, now he is in the vein of panegyric, will lay a mighty ſtreſs on theſe barbarities; and perhaps compare them with the exerciſes in the *Roman* circus, or the *Olympic* barriers.

And why not? interrupted Dr. *Arbuthnot*. The tendency of all three was the ſame; to invigorate the faculties both of mind and body; to give ſtrength, grace, and dexterity to the limbs; and fire the mind with a generous emulation of the manly and martial virtues.

Why truly, ſaid Mr. *Addiſon*, I ſhall not deny that all *three*, as you obſerve, were much of the ſame merit. And now your hand is in for this ſort of encomium, do not forget to celebrate the

ſublime taſte of our forefathers for *bear-baiting* *, as well as *tilting*; and tell us too, how glorioufly the mob of thoſe days, as well as their betters, uſed to belabour one another.

I confeſs, ſaid Dr. *Arbuthnot*, the ſoftneſs of our manners makes it difficult to ſpeak on this

* True it is, that this divertiſement of *bear-baiting* was not altogether unknown in the age of *Elizabeth*, and, as it ſeemeth, not much miſliked of maſter STOW himſelf, who hath very graphically deſcribed it. He is ſpeaking of the *Daniſh* ambaſſador's reception and entertainment at *Greenwich*, in 1586. "As the better ſort, ſaith he, had their convenient diſports, ſo were not the ordinary people excluded from competent pleaſure. For, upon a green, very ſpacious and large, where thouſands might ſtand and behold with good contentment, there *bear-baiting* and *bull-baiting* (tempered with other merry diſports) were exhibited; whereat it cannot be ſpoken of what pleaſure the people took.

For it was a ſport alone, of theſe beaſts, continueth the hiſtorian, to ſee the bear with his pink eyes leering after his enemies; the nimbleneſs and wait of the dog to take his advantage; and the force and experience of the bear again to avoid the aſſaults: if he were bitten in one place, how he would pinch in another to get free; and if he were once taken, then what ſhift with biting, clawing, roſing, tugging, graſping, tumbling, and toſſing, he would work to wind himſelf away; and, when he was looſe, to ſhake his ears with the blood and ſlaver about his phiſnomy, was a pittance of good relief. The like paſtime alſo of the bull.---And now the day being far ſpent, and the ſun in its declination, the ambaſſador withdrew to his lodging, by barge, to *Croſby's* place; where, no doubt, THIS DAY'S SOLEMNITY WAS THOUGHT UPON AND TALKED OF"—p. 1562.

ſubject

ſubject without incurring the ridicule you appear ſo willing to employ againſt me. But you muſt not think to banter me out of my good opinion of theſe gymnaſtics by a little raillery, which has its foundation only in modern prejudices. For it is no ſecret, that the graveſt and politeſt men of antiquity were of my mind. You will hardly ſuſpect *Plato* of incivility, either in his notions or manners. And need I remind you how much he inſiſts on the gymnaſtic diſcipline? without which he could not have formed, or at leaſt have ſupported his republic.

It was upon this principle, I ſuppoſe then, ſaid Mr. *Digby*, or perhaps in imitation of his *Græcian* maſter, that our MILTON laid ſo great a ſtreſs on this diſcipline in his TRACTATE OF EDUCATION. And before him, in the very time you ſpeak of, ASCHAM, I obſerve, took no ſmall pains, to much the ſame purpoſe, in his TOXOPHILUS.

It is very clear, reſumed Dr. *Arbuthnot*, from theſe inſtances, and many more that might be given, that the ancients were not ſingular in their notions on this ſubject. But ſince you have drawn me into a grave defence of theſe exerciſes, let me further own to you, that I think the *Gothic* tilts and tournaments exceeded, both in uſe and elegance, even the *Græcian* gymnaſtics. They were a more direct image of war, than any

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of the games of *Olympia*. And if *Xenophon* could be so lavish in his praises on the *Persian* practice of hunting, because it had some resemblance to the exercise of arms, what would he not have said of an institution, which has all the forms of a real combat? But there was an elegance, too, in the conduct of the tournament, that might reconcile it even to modern delicacy. For, besides the splendor of the shew; the dexterity with which these exercises were performed; and the fancy that appeared in their accoutrement, dresses, and devices; the whole contest was enobled with an air of gallantry that must have had a great effect in refining the manners of the combatants. And yet this gallantry had no ill influence on morals; for, as you insulted me just now, it was the odd humour of those days for the women to pride themselves in their chastity *, as well as the men in their valour.

* If the reader be complaisant enough to admit the fact, it may be accounted for, on the ideas of chivalry, in the following manner. The knight forfeited all pretensions to the favour of the ladies, if he failed, in any degree, in the point of valour. And, reciprocally, the claim which the ladies had to protection and courtesy from the order of knights, was founded singly in the reputation of chastity, which was the female point of honour. "Ce droit que les dames avoient sur la chevalerie (says M. DE LA CURNE DE STE. PALAYE) devoit être conditionel: il supposoit que leur conduite et leur reputation ne les rendoient point indignes de l'espece d'association qui les unissoit à cet ordre uniquement fondé sur l'honneur.

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In ſhort, I conſider the *tournay*, as the beſt ſchool of civility as well as heroiſm. "High-erected thoughts, ſeated in a heart of courteſy" as an old writer well expreſſes it, was the proper character of ſuch as had been trained in this diſcipline.

No wonder then, purſued he, the old poets and romance-writers took ſo much pains to immortalize theſe trials of manhood. It was but what *Pindar* and *Homer* himſelf, thoſe old maſters of romance, had done before them. And how could it be otherwiſe? the ſhew itſelf, as I ſaid, had ſomething very taking in it; whilſt every graceful attitude of perſon, with every generous movement of the mind, afforded the fineſt materials for deſcription. And I am even ready to believe, that what we hear cenſured in their writings, as falſe, incredible, and fantaſtic, was frequently but a juſt copy of life, and that there was more of truth and reality † in their repreſentati-

Par celle voye (ſays an old *French* writer, the chevalier DE LA TOUR, about the year 1371) les bonnes ſe craignoient et ſe tenoient plus fermes de faire choſe dont elles peuſſent perdre leur honneur et leur etat. *Si vouldroye que celui temps fuſt revenu, car je penſe qu'il n'en ſeroit pas tant de blaſemées comme il eſt à preſent.*

* The extent and accuracy of Dr. *Arbuthnot's* learning are here worth obſerving. What he hints at, in paſſing, of the *reality* of theſe repreſentations, hath been lately ſhewn at large in a learned memoir on this ſubject, which the reader will find in Tom. XX. of HIST. DE L'ACAD. DES IESCRIPTIONS ET BELLES LETTRES.

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ons, than we are apt to imagine. Their notions of honour and gallantry were carried to an elevation *, which, in these degenerate days, hurts

* This representation of things in the ages of chivalry, agrees very well with what we are told by the author of the memoir, just quoted. "Les premières leçons, (says he, speaking of the manner in which the youth are educated in the houses of the great, which were properly the schools of those times) qu'on leur donnoit, regardoient principalement *l'amour de dieu, et des dames*, c'est-à-dire, la religion, et la galanterie. Mais autant la dévotion qu'on leur inspiroit étoit accompagnée de puerilités et de superstitions, autant l'amour des dames, qu'on leur recommandoit, étoit il rempli de RAFFINEMENT et de FANATISME. Il semble qu'on ne pouvoit, dans ces siécles ignorans et grossiers, présenter aux hommes la religion sous une forme assez materielle pour la mettre à leur portée; ni leur donner, en même tems, une idée de l'amour assez pure, assez metaphysique, pour prevenir les desordres & les excès, dont etoit capable une nation qui conservoit par-tout le caractere impetueux qu'elle montroit à la guerre." Tom. XX. p. 600.

One sees then the origin of that furious gallantry which runs through the old romances. And so long as the *refinement and fanaticism*, which the writer speaks of, were kept in full vigour by the force of institution and the fashion of the times, the morals of these courteous knights might, for any thing I know, be as pure as their apologist represents them. At the same time it must be confessed, that this discipline was of a nature very likely to relax itself under another state of things, and certainly to be misconstrued by those who should come to look upon these pictures of a *refined and spiritual passion*, as incredible and fantastic. And hence, no doubt, we are to account for that censure which a famous writer, and one of the ornaments of *Elizabeth's* own age, passeth on the old books of chivalry. His words are these: "In our fathers time no-

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the credit of their ſtory; juſt as I have met with men that have doubted whether the virtues of the REGULI and the SCIPIO's of ancient fame were not the offspring of pure fancy.

Nay now, Dr. *Arbuthnot*, ſaid Mr. *Addiſon*, you grow quite extravagant. What you, who are uſed to be ſo quick at eſpying all abuſes in ſcience, and defects in good taſte, turn advocate for theſe fopperies! Mr. *Digby* and I ſhall begin to think you banter us, in this apology for the ancient gymnaſtics, and are only preparing

thing was read but books of chivalry, wherein a man, by reading, ſhould be led to none other end, but only to *manſlaughter* and *baudrye*. If any man ſuppoſe they were good enough to paſs the time withal, he is deceived. For ſurely vain words do work no ſmall thing in vain, ignorant, and young minds, eſpecially if they be given any thing thereunto of their own nature." He adds, like a good proteſtant, "Theſe books, as I have heard ſay, where made the moſt part in abbayes and monaſteries; a very likely and fit fruit of ſuch an idle and blind kind living."

Præf. to ASCHAM's TOXOPHILUS. 1571.

I thought it but juſt to ſet down this cenſure of Mr. *Aſcham* over-againſt the candid repreſentation of the *French* memorialiſt.—However, what is ſaid of the influence which this ancient inſtitution had on the character of his countrymen, is not to be diſputed. "Les preceptes d'amour repandoient dans le commerce des dames ces conſiderations et ces egards reſpectueux, qui n'ayant jamais été effacés de l'eſprit des François, ont toujours fait on des caracteres diſtinctifs de nôtre nation."

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a chapter for the facetious memoirs *, you ſometimes promiſe us.

Never more in earneſt, I aſſure you, replied the doctor. I know what you have to object to theſe pictures of life and manners. But if they will not bear examining as copies, they may deſerve to be imitated, as models. And their uſe, methinks, might attone for ſome defects in the article of probability.

For my part, I conſider the legends of ancient chivalry in a very ſerious light,

> As *niches*, fill'd with ſtatues, to invite
> Young valours forth—†

as *Ben Johnſon*, a valorous hardy poet, and who, himſelf, would have made a good knight-errant, juſtly ſays of them. For it is certain, they had this effect. The youth, in general, were fired with the love of martial exerciſes. They were early formed to habits of fatigue and enterprize. And, together with this warlike ſpirit, the profeſſion of chivalry obliged to every other virtue

* I ſuppoſe of SCRIBLERUS. And notwithſtanding the doctor's ſerious air in this converſation, the deſign, imputed to him, ſeems to have been executed. See chap. vi. of that learned work, *On the ancient Gymnaſtics*.

† MASQUES, p. 181. *Walley's* edition.

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that is the ornament of humanity. Affability, courteſy, generoſity, veracity, theſe were the qualifications moſt pretended to by the men of arms, in the days of pure and uncorrupted chivalry. We do not perhaps, ourſelves, know, at this diſtance of time, how much we are indebted to the force of this ſingular inſtitution. But this I may preſume to ſay, that the men, among whom it aroſe and flouriſhed moſt, had prodigious obligations to it. No policy, even of an ancient legiſlator, could have contrived a better expedient to cultivate the manners and tame the ſpirits of a rude and ignorant people. I could almoſt fancy it providentially introduced among the northern nations, to break the fierceneſs of their natures, and prevent that brutal ſavageneſs and ferocity of character, which were otherwiſe to have been expected in the dark ages.

Nay, the generous ſentiments it inſpired, perhaps contributed very much to awaken an emulation of a different kind; and to bring on thoſe days of light and knowledge which have diſpoſed us, ſomewhat unthankfully, to vilify and defame it. This is certain, that the firſt eſſays of wit and poetry, thoſe harbingers of returning day to every ſpecies of good letters, were made in the boſom of chivalry, and amidſt the aſſemblies of noble dames, and courteous knights. And we may even obſerve, that the beſt of our modern

princes

princes, ſuch as have been moſt admired for their perſonal virtues, and have been moſt concerned in reſtoring all the arts of civility and politeneſs, have been paſſionately addicted to the feats of ancient proweſs. In the number of theſe, need I remind you of the courts of FRANCIS I. and and HENRY IV. to ſay nothing of our own EDWARDS and HENRYS, and that mirrour of all their virtues in one, our renowned and almoſt romantic * ELIZABETH.

* This romantic ſpirit of the queen may be ſeen as well in her *amours*, as military atchievements. "Ambiri, coli ob formam, et AMORIBUS, etiam inclinatâ jam ætate, videri voluit; de FABULOSIS INSULIS per illam relaxationem renovatâ quaſi memoriâ in quibus EQUITES AC STRENUI HOMINES ERRABANT, et AMORES, fœditate omni prohibitâ, generoſe per VIRTUTEM exercebant."

THUANI HIST. Tom. VI. p. 172.

The obſervation of the great hiſtorian is confirmed by FRANCIS OSBORNE, Eſq. who, ſpeaking of a contrivance of the *Cecilian* party to ruin the earl of *Eſſex*, by giving him a rival in the good graces of the queen, obſerves —— "But the whole reſult concluding in a duel, did rather inflame than abate the former account ſhe made of him: the opinion of a CHAMPION being more ſplendid (in the weak and romantic ſenſe of women, that admit of nothing fit to be made the object of a quarrel but themſelves) and far above that of a captain or general. So as Sir EDMUND CARY, brother to the lord HUNDSDEN, then chamberlain and near kinſman to the queen, told me, that, though ſhe chid them both, nothing pleaſed her better than a conceit ſhe had, that her *beauty* was the cauſe of this quarrel, when, God knows, it grew from the ſtock of honour, of which then they were very tender."——*Mem. of queen* ELIZABETH, p. 456.

But you think I puſh the argument too far. And leſs than this may diſpoſe you to conceive with reverence of the ſcene before us, which muſt ever be regarded as a nurſery of brave men, a very ſeed-plot of warriors and heroes. I conſider the ſucceſſes at the barriers, as preludes to future conqueſts in the field. And, as whimſical a figure as a young tilter may make in your eye, who will ſay that the virtue was not formed here, that triumphed at AXELL and bled at ZUTPHEN?

We ſhall very readily, replied Mr. *Addiſon*, acknowledge the bravery and other virtues of the

But nothing ſhews the romantic diſpoſition of the queen, and indeed of her times, more evidently than the TRIUMPH, as it was called; deviſed and performed with great ſolemnity, in honour of the *French* commiſſioners, in 1581. The contrivance was for four of her principal courtiers, under the quaint appellation of "four foſter-children of DESIRE," to beſiege and carry by dint of arms "THE FORTRESS OF BEAUTY; intending, by this courtly ænigma, nothing leſs than the queen's majeſty's own perſon.—The actors in this famous triumph, were, the earl of ARUNDEL, the lord WINDSOR, maſter PHILIP SIDNEY, and maſter FOLK GREVIL." And the whole was conducted ſo entirely in the ſpirit and language of knight errantry, that nothing in the Arcadia itſelf is more romantic. See the account at large in *Stow's* continuation of *Holingſhead's* chronicles, p. 1316,---1321.

To ſee the drift and propriety of this triumph, it is to be obſerved, that the buſineſs which brought the *French* commiſſioners into *England*, was, the great affair of the queen's marriage with the duke of *Alançon*.

young hero, whose fortunes you hint at. He was, in truth, to speak the language of that time, the very flower of knighthood, and contributed more than any body else, by his pen, as well as sword, to throw a lustre on the profession of chivalry. But the thing itself, however adorned by his wit, and recommended by his manners, was barbarous; the offspring of *Gothic* fierceness; and shews the times, which favoured it so much, to have already emerged from their original rudeness and brutality*. You may celebrate, as loudly as you please, the deeds of these wonder-working knights. Alas, what affinity have such prodigies to our life and manners? The old poet, you quoted just now with approbation, shall tell us the difference:

These were bold stories of our *Arthur's* age:
But here are other acts, another stage
And scene appears; it is not since as then;
No giants, dwarfs, or monsters here, but MEN.

Or, if you want a higher authority, we should not, methinks, on such an occasion as this, forget the admirable *Cervantes*, whose ridicule hath

* Something having been here said (but slightly and perfunctorily, as the manner of conversation is) of the *rise* and *genius* of chivalry, the editor has been content to wade a little deeper into this argument, in a dissertation, which may hereafter see the light, if his learned pains in this publication be candidly accepted.

brought

brought eternal dishonour on the profession of knight-errantry.

With your leave, interrupted Dr. *Arbuthnot*, I have reason to except against both your authorities. At best, they do but condemn the *abuses* of chivalry, and the madness of continuing the old romantic spirit in times when, from a change of manners and policy, it was no longer in season. Adventures, we will say, were of course to cease, when giants and monsters disappeared. And yet have they totally vanished out of the world, and have giants and monsters been no where heard of out of the castles and forests of our old romancers? 'Tis odds, methinks, but in the sense of *Elizabeth's* good subjects, PHILIP II. might be a *giant* at least: and without a little of this adventurous spirit, it may be a question whether all her enchanters, I mean her *Burleighs* and *Walsinghams*, would have proved a match for him. I mention this the rather to shew you, how little obligation his countrymen have to your *Cervantes* for laughing away the remains of that prowess, which was the best support of the *Spanish* monarchy.

As if, said Mr. *Addison*, the prowess of any people were only to be kept alive by their running mad. But let the case of the *Spaniards* be what it will, surely we, of this country, have little obligation to the spirit of chivalry, if it were only that it produced, or encouraged at least, and

hath now entailed upon us that curſe of the DUELLO; which even yet domineers in the faſhionable world, in ſpite of all that wit, and reaſon, and religion itſelf have done to ſubdue it. 'Tis true, at preſent this law of arms is appealed to only in the caſe of ſome high point of nice and myſterious honour. But in the happier days you celebrate, it was called in aid, on common occaſions. Even queſtions of right and property, you know, were determined at the barriers *: and brute force was allowed the moſt equitable, as well as ſhorteſt, way of deciding all diſputes both concerning a man's eſtate and honour.

You might obſerve too, interpoſed Dr. *Arbuthnot*, that this was the way in which thoſe fiercer diſputes concerning a miſtreſs, or a kingdom, were frequently decided. And, if this ſort of deciſion, in ſuch caſes, were ſtill in uſe among *Chriſtian* princes, you might call it perhaps a barbarous cuſtom, but would it be ever the worſe, do you think, for their good ſubjects?

Perhaps it would not, returned Mr. *Addiſon*, in ſome inſtances. And yet will you affirm that

* There was an inſtance of this kind, and perhaps the lateſt upon record in our hiſtory, in the thirteenth year of the queen, when "a combat was appointed to have been fought for a certain manor, and demain lands belonging thereto, in *Kent*." The matter was compromiſed in the end. But not till after the uſual forms had been obſerved, by the two parties: of which we have a curious and circumſtantial detail in *Holingſhead's* chronicles, p. 1225.

thoſe

thoſe *good ſubjects* were in any enviable ſituation, under their fighting maſters? After all, allowing you to put the beſt conſtruction you can on theſe uſages of our forefathers,

—— " all we find
Is, that they did their work, and din'd.

And, though ſuch feats may argue a ſound athletic conſtitution, you muſt excuſe me if I am not forward to entertain any high notions of their civility.

Their civility, ſaid Dr. *Arbuthnot*, is another conſideration. The HALL and TILTYARD are certainly good proofs of what they are alledged for, the hoſpitality and bravery of our anceſtors. But it hath not been maintained, that theſe were their only virtues. On the contrary, as it ſeems to me, every flower of humanity, every elegance of art and genius, was cultivated amongſt them. For an inſtance, need we look any farther than the LAKE, which in the flouriſhing times of this caſtle was ſo famous, and which we even now trace in the winding bed of that fine meadow?

I don't underſtand you, replied Mr. *Addiſon*. I can eaſily imagine what an embelliſhment that lake muſt have been to the caſtle; but am at a loſs to conceive what flowers of wit and ingenuity, to uſe your own ænigmatical language, could be raiſed, or ſo much as watered, by it.

And have you then, returned Dr. *Arbuthnot*, ſo ſoon forgotten the large deſcription, you gave us juſt now, of the ſhews and pageants diſplayed on this lake? And can any thing better declare the art, invention, and ingenuity of their conductors? Is not this canal as good a memorial of the ardour and ſucceſs with which the finer exerciſes of the mind were purſued in that time, as the tiltyard, we have now left, is of the addreſs and dexterity ſhewn in thoſe of the body?

I remember, ſaid Mr. *Addiſon*, that many of the ſhews, intended for the queen's entertainment at this place, were exhibited on that canal. But as to any art or beauty of contrivance—

"You ſee none, I ſuppoſe."

Why truly none, replied Mr. *Addiſon*. To me they ſeemed but well enough ſuited to the other barbarities of the time. "The lady of the Lake and her train of Nereids," was not that the principal? And can it paſs for any thing better than a jumble of *Gothic* romance and *Pagan* fable? A barbarous modern conceit, varniſhed over with a little claſſical pedantry?

And is that the beſt word you can afford, ſaid Dr. *Arbuthnot*, to theſe ingenious devices? The buſineſs was to welcome the queen to this palace, and at the ſame time to celebrate the honours of her government. And what more decent way

of complimenting a great prince, than through the veil of fiction? Or what so elegant way of entertaining a learned prince, as by working up that fiction out of the old poetical story? And if something of the *Gothic* romance adhered to these classical fictions, it was not for any barbarous pleasure, that was taken in this patchwork, but that the artist found means to incorporate them with the highest grace and ingenuity. For what, in other words, was the *lady of the Lake* (the particular that gives most offence to your delicacy) but the presiding nymph of the stream, on which these shews were presented? And if the contrivance was to give us this nymph under a name that romance had made familiar, what was this but taking advantage of a popular prejudice to introduce his fiction with more address and probability?

But see the propriety of the scene itself, for the designer's purpose, and the exact decorum with which these fanciful personages were brought in upon it. It was not enough that the pagan deities were summoned to pay their homage to the queen. They were the deities of the fount and ocean, the watry nymphs and demi-gods: and these were to play their part in their own element. Could any preparation be more artful for the panegyric designed on the naval glory of that reign? Or, could any representation be more grateful to the queen of the ocean, as *Eli-*

zabeth was then called, than ſuch as expreſſed her ſovereignty in thoſe regions? Hence the ſea-green Nereids, the Tritons, and Neptune himſelf were the proper actors in the drama. And the opportunity of this ſpacious lake gave the eaſieſt introduction, and moſt natural appearance to the whole ſcenery. Let me add, too, in further commendation of the taſte which was ſhewn in theſe agreeable fancies, that the attributes and dreſſes of the deities themſelves were ſtudied with care; and the moſt learned poets of the time employed to make them ſpeak, and act in perfect character. So that an old *Greek* or *Roman* might have applauded the contrivance, and have almoſt imagined himſelf aſſiſting at a religious ceremony in his own country; at a time too, when thoſe ſuperſtitions were beſt underſtood, and conducted with the greateſt exactneſs.

And, to ſhew you that all this propriety was intended by the deſigner himſelf, and not imagined at pleaſure by his encomiaſt, I remember, that, when ſome years after the earl of HERTFORD had the honour to receive the queen at his ſeat in *Hampſhire*, becauſe he had no ſuch canal as this in readineſs on the occaſion, he ſet on a vaſt number of hands to hollow a baſon in his park for that purpoſe. With ſo great diligence and ſo exact a decorum were theſe entertainments conducted!

Did

Did not I tell you, interpoſed Mr. *Addiſon*, addreſſing himſelf to Mr. *Digby*, to what an extravagance the doctor's admiration of the ancient times would carry him? Could you have expected all this harangue on the art, elegance, and decorum of THE PRINCELY PLEASURES OF KENELWORTH *? And muſt not it divert you to ſee the unformed genius of that age tricked out in the graces of a *Roman* or even *Attic* politeneſs?

Mr. *Digby* acknowledged, it was very generous in the doctor to repreſent, in ſo fair a light, the amuſements of the ruder ages. But I was thinking, ſaid he, to what cauſe it could poſſibly be owing, that theſe pagan fancies had acquired ſo general a conſideration in the days of *Elizabeth*.

The general paſſion for theſe fancies, returned Dr. *Arbuthnot*, was a natural conſequence of the revival of learning. The firſt books that came into vogue were the poets. And nothing could be more amuſing to rude minds, juſt opening to a taſte of letters, than the fabulous ſtory of the pagan gods, which is conſtantly interwoven in

* Alluding to a tract, ſo called, by GASCOIGNE, an attendant on the court, and poet of that time, who hath given us a narrative of the entertainments that paſſed on this occaſion at *Kenelworth*.

every

every piece of ancient poetry. Hence the imitative arts of *ſculpture*, *painting*, and *poetry* were immediately employed in theſe pagan exhibitions. But this was not all. The firſt artiſts in every kind were, of *Italy*; and it was but natural for them to act theſe fables over again on the very ſpot, that had firſt produced them. Theſe, too, were the maſters to the reſt of *Europe*. So that *faſhion* concurred, with the other prejudices of the time, to recommend this practice to the learned. From them the enthuſiaſm ſpread itſelf to the great; whoſe ſupreme delight it was to ſee the wonders of the old poetical ſtory brought forth, and realized, as it were, before them *.

* Hence then it is, that a celebrated dramatic writer of thoſe days, repreſents the entertainment of MASKS and SHEWS, as the higheſt indulgence that could be provided for a luxurious and happy monarch. His words are theſe;

"Muſic and poetry are his delight,
Therefore I'll have *Italian* maſques by night,
Sweet ſpeeches, comedies, and pleaſing ſhews:
And in the day, when he ſhall walk abroad,
Like SYLVAN NYMPHS, my pages ſhall be clad:
My men like SATYRS, grazing on the lawns,
Shall with their goat-feet dance the antic hay.
Sometimes a lovely boy, in DIAN's ſhape,
With hair that gilds the water as it glides,
Crownets of pearls about his naked arms,
And in his ſportful hands an olive-tree,
Shall bathe him in a ſpring, and there hard by,
One, like ACTEON, peeping through the grove,
Shall by the angry goddeſs be transform'd---
Such things as theſe beſt pleaſe his majeſty.

And

And what, in truth, could they do better? For, if I were not a little afraid of your raillery, I ſhould deſire to know what courtly amuſements even of our time are comparable to the ſhews and maſques which were the delight and improvement of the court of *Elizabeth*. I ſay, the *improvement*; for, beſides that theſe ſhews were not in the number of the INERUDITÆ VOLUPTATES, ſo juſtly characteriſed and condemned by a wiſe ancient, they were even highly uſeful and inſtructive. Theſe devices, compoſed out of the poetical hiſtory, were not only the vehicles of compliment to the great on certain ſolemn occaſions, but of the ſoundeſt moral leſſons, which were artfully thrown in, and recommended to them by the charm of poetry and numbers. Nay, ſome of theſe maſques were moral dramas in form, where the virtues and vices were imperſonated. We know the caſt of their compoſition by what we ſee of theſe fictions in the next reign; and have reaſon to conceive of them with reverence when we find the names of FLETCHER and JOHNSON * to ſome of them. I ſay nothing

And how exactly this dramatiſt painted the humour of the times, we may ſee from the entertainment provided, not many years after, for the reception of king *James* at ALTHROP in *Northamptonſhire*; where this very deſign of *ſylvan nymphs, ſatyrs*, and *Acteon*, was executed in a maſque by *B. Johnſon*.

* Whom his friend Mr. *Selden* characteriſeth in this manner,

—— "Omnia carmina doctus
Et calles mythos plaſmata et hiſtoriam."

TIT. OF HON. p. 446.

of

of JONES and LAWES, though all the elegance of their reſpective arts was called in to aſſiſt the poet in the contrivance and execution of theſe entertainments.

And, now the poets have fallen in my way, let me further obſerve, that the manifeſt ſuperiority of this claſs of writers in *Elizabeth's* reign, and that of her ſucceſſor, over all others who have ſucceeded to them, is, amongſt other reaſons, to be aſcribed to the care with which theſe moral repreſentations were then cultivated. This taught them to animate and imperſonate every thing. And though the original of this practice be owing, as it always is, to rude conception, yet the improvements of it are the reaſon that we find in the phraſeology and mode of thinking of that time, and of that time only, the eſſence of the trueſt and ſublimeſt poetry.

Without doubt, Mr. *Addiſon* ſaid, the poetry of that time is of a better taſte than could well have been expected from its barbariſm in other inſtances. But ſuch prodigies, as *Shakeſpear* and *Spenſer*, would do great things in any age, and under every diſadvantage.

Moſt certainly they would, returned Dr. *Arbuthnot*, but not the things that you admire ſo much in theſe immortal writers. And, if you will

will excuſe the intermixture of a little philoſophy in theſe ramblings, I will attempt to account for it. There is, I think, in the revolutions of taſte and language, a certain point, which is more favourable to the purpoſes of poetry, than any other. It may be difficult to fix this point with exactneſs. But we ſhall hardly miſtake in ſuppoſing it lies ſomewhere between the rude eſſays of uncorrected fancy, on the one hand, and the refinements of reaſon and ſcience, on other. And this I take to have been the condition of our language in the age of *Elizabeth*. It was pure, ſtrong, and perſpicuous without affectation. At the ſame time, the high figurative manner, which fits a language ſo peculiarly for the uſes of the poet, had not yet been controlled by the proſaic genius of philoſophy and logic. Indeed this character had been ſtruck ſo deeply into the *Engliſh* tongue, that it was not to be removed by any ordinary improvements in either. The reaſon of which might be, the delight which was taken by the *Engliſh* very early in their old MYSTERIES and MORALITIES, and the continuance of the ſame ſpirit in ſucceeding times, by means of their MASQUES and TRIUMPHS. And ſomething like this, I obſerve, attended the progreſs of the *Greek* and *Roman* poetry; which was the *trueſt* poetry, on the clown's maxim in *Shakeſpeare*, becauſe it was *the moſt feigning*. It had its riſe,

you

you know, like ours, from religion. And pagan religion, of all others, was the propereſt to introduce and encourage a ſpirit of allegory and moral fiction. Hence we eaſily account for the allegoric caſt of their old dramas, which hold very much of the nature of our ancient moralities. NECESSITY is brought in as a *perſon of the drama*, in one of *Æſchylus's* plays, and DEATH, in one of *Euripides*; to ſay nothing of many ſhadowy perſons in the comedies of *Ariſtophanes*. The truth is, the pagan religion *deified* every thing, and delivered theſe deities into the hands of their painters, ſculptors, and poets. In like manner, chriſtian ſuperſtition, or, if you will, modern barbariſm, *imperſonated* every thing; and theſe perſons, in proper form, ſubſiſted for ſome time on the ſtage, and almoſt to our days in the maſques. Hence the picturesque ſtyle of our old poetry; which looks ſo fanciful in *Spenſer*, and which *Shakeſpear's* genius hath carried to the utmoſt ſublimity.

I will not deny, ſaid Mr. *Addiſon*, but there may be ſomething in this deduction of the cauſes by which you account for the ſtrength and grandeur of the *Engliſh* poetry, unpoliſhed as it ſtill was in the hands of *Elizabeth's* great poets. But for the maſques themſelves—

I have

I have no mind, interrupted Dr. *Arbuthnot*, to engage in a further vindication of them. I only conclude, that the taſte of the age, the ſtate of letters, the genius of the *Engliſh* tongue, was ſuch as gave a manlineſs to their compoſitions of all ſorts, and even an elegance to thoſe of the lighter forms, which we might do well to emulate, and not deride, in this æra of politeneſs.

But I am aware, as you ſay, I have been tranſported too far. My deſign was only to hint to you, in oppoſition to your invective againſt the memory of the old times, awakened in us by the ſight of this caſtle, that what you objected to is capable of a much fairer interpretation. You have a proof of it, in two or three inſtances; in their feſtivals, their exerciſes, and their poetical fictions: or, to expreſs myſelf in the claſſical forms, you have ſeen by this view of their CONVIVIAL, GYMNASTIC, and MUSICAL character, that the times of *Elizabeth* may paſs for golden, notwithſtanding what a fondneſs for this age of baſer metal may incline ſome perſons to repreſent it.

In the mean time, theſe ſmaller matters have drawn me aſide from my main purpoſe. What ſurprized me moſt, purſued he, was to hear you

you ſpeak ſo ſlightly, I would not call it by a worſe name, of the GOVERNMENT of *Elizabeth*. Of the manners and taſtes of different ages, different perſons, according to their views of things, will judge very differently. But plain facts ſpeak ſo ſtrongly in favour of the policy of that reign, and the ſuperior talents of the ſovereign, that I could not but take it for the wantonneſs of oppoſition in you to eſpouſe the contrary opinion. And, now I am warmed by this ſlight ſkirmiſh, I am even bold enough to dare you to a defence of it; if indeed you were ſerious in advancing that ſtrange paradox. At leaſt, I could wiſh to hear upon what grounds you would juſtify ſo ſevere an attack on the reverend adminiſtration of that reign, ſupported by the wiſdom of ſuch men as CECIL and WALSINGHAM, under the direction of ſo accompliſhed a princeſs as our ELIZABETH. Your manner of defending even the wrong ſide of the queſtion will, at leaſt, be entertaining. And, I think, I may anſwer for our young friend that his curioſity will lead him to join me in this requeſt to you.

Mr. *Addiſon* ſaid, He did not expect to be called to ſo ſevere an account of what had eſcaped him on this ſubject. But, though I was ever ſo willing, continued he, to oblige you, this is no time or place for entering on ſuch a controverſy. We have not yet completed the round

of these buildings. And I would fain, methinks, make the circuit of that pleasant meadow. Besides its having been once, in another form, the scene of those shews you described so largely to us, it will deserve to be visited for the sake of the many fine views which, as we wind along it, we may promise to ourselves of these ruins.

You forget my bad legs, said Dr. *Arbuthnot* smiling; otherwise, I suppose, we can neither of us have any dislike to your proposal. But, as you please: let us descend from these heights. We may resume the conversation, as we walk along, and especially, as you propose, when we get down into that valley.

DIALOGUE IV.

ON THE

Golden Age of Q. *Elizabeth.*

BETWEEN

The Hon. ROBERT DIGBY, Dr. ARBUTHNOT, and Mr. ADDISON.

Hæc memini, et victum fruſtra contendere Thyrſin.

DIALOGUE IV.

Mr. DIGBY, Dr. ARBUTHNOT, and Mr. ADDISON.

BUT do you conſider, ſaid Mr. *Addiſon*, as they deſcended into the valley, what an invidious taſk you are going to impoſe upon me? One cannot call in queſtion a common opinion in any indifferent matter, without the appearance of ſome degree of perverſeneſs. But to do it in a caſe of this importance, where the greateſt authorities ſtand in the way, and the glory of one of our princes is concerned, will, I doubt, be liable to the imputation of ſomething worſe than ſingularity. For, beſides that you will be apt to upbraid me, in the words of the poet,

—Nullum memorabile nomen
Fœmineâ in pœnâ eſt, nec habet victoria laudem,

ſuch a liberty of cenſure is uſually taken for an argument, not of diſcourteſy or preſumption only, but of ill nature. At beſt, the attempt to arraign the virtues and government of *Eliza-*

beth, will appear but like the idleneſs of the old ſophiſts, who, you know, were never ſo well pleaſed as when they were controverting ſome acknowledged fact, or aſſaulting ſome eſtabliſhed character.

That cenſure might be juſt enough, Dr. *Arbuthnot* ſaid, of the old ſophiſts, who had nothing in view but the credit of their own ſkill in the arts of diſputation. But in this friendly debate, which means nothing more than private amuſement, I ſee no colour for ſuch apprehenſions.

But what ſhall we ſay, interpoſed Mr. *Addiſon*, to another difficulty? the ſubject is immenſely large; and it ſeems no eaſy matter to reduce it into any diſtinct order. Beſides, my buſineſs is not ſo much to advance any thing of my own, as to object to what others have advanced of the fame and virtues of *Elizabeth*. And to this end, I muſt deſire to know the particulars on which you are diſpoſed to lay the greateſt ſtreſs, and indeed to have ſome plan of the ſubject delivered in to me, which may ſerve, as it were, for the ground-work of the whole converſation.

I muſt not preſume, ſaid Dr. *Arbuthnot*, to preſcribe the order in which your attack on the great queen ſhall be conducted. The ſubject, indeed, is large. But this common route of hiſtory is well known to all of us. To that then you

you may well enough refer, without being at the trouble, before you go to work, of laying foundations. Or, if you will needs have a basis to build upon, what if I just run over the several circumstances which I conceive to make most for the credit of that reign? A sketch of this sort, I suppose, will answer all the ends of the plan you seem to require of me.

Mr. *Addison* agreed to this proposal, which he thought would be of use to shorten the debate, or at least to render the progress of it more clear and intelligible.

In few words then, resumed Dr. *Arbuthnot*, the reasons, that have principally determined me to an admiration of the government and character of queen *Elizabeth*, are such as these: "That she came to the crown with all possible disadvantages; which yet, by the prudence and vigour of her counsels, she entirely overcame: that she triumphed over the greatest foreign and domestic dangers; that she humbled the most formidable power in *Europe* by her arms; and composed, or checked at least, by the firmness of her administration, two, the most implacable and fiery factions at home: that she kept down the rebellious spirit of *Ireland*, and eluded the constant intrigues of her restless neighbours, the *Scots*: that she fixed our religious establishment on solid grounds, and countenanced, or rather conduct-

ed, the Proteſtant cauſe abroad: that ſhe made her civil authority reſpected by her ſubjects; and raiſed the military glory of the nation, both by ſea and land, to the greateſt height: that ſhe employed the ableſt ſervants, and enacted the wiſeſt laws: by all which means it came to paſs that ſhe lived in a conſtant good underſtanding with her parliaments, was idolized by her people, and admired and envied by all the reſt of the world."

Alas, ſaid Mr. *Addiſon*, I ſhall never be able to follow you through all the particulars of this encomium; and, to ſay the truth, it would be to little purpoſe; ſince the wiſdom of her policy, in all theſe inſtances of her government, can only be eſtimated from a careful peruſal of the hiſtories of that time; too numerous and contradictory to be compared and adjuſted in this converſation. All I can do, continued he, after taking a moment or two to recollect himſelf, is to abate the force of this panegyric by ſome general obſervations on the CIRCUMSTANCES and GENIUS of that time; and then to conſider the perſonal QUALITIES of the queen, which are thought to reflect ſo great a luſtre on her government.

As you pleaſe, Dr. *Arbuthnot* replied. We ſhall hardly loſe ourſelves in this beaten field of hiſtory. And, beſides, as your undertaking is ſo adventrous, it is but reaſonable you ſhould have the choice of your own method.

You

You are in the common opinion, I perceive, reſumed Mr. *Addiſon*, that *Elizabeth's* government was attended with all poſſible diſadvantages. On the contrary, it appears to me, that the ſecurity and even ſplendor of her reign is chiefly to be accounted for from the FORTUNATE circumſtances of her ſituation.

Of theſe, the firſt that demands our notice is the great affair of religion.

The principles of PROTESTANTISM had now for many years been working among the people. They had grown to that head in the ſhort reign of *Edward* VI. that the bloody ſeverities of his ſucceſſor ſerved only to exaſperate the zeal with which theſe principles had been embraced and promoted. *Elizabeth*, coming to the crown at this juncture, was determined, as well by intereſt as inclination, to take the ſide of the new religion. I ſay by *intereſt* as well as inclination. And, I think, I have reaſon for the aſſertion. For though the perſons in power, and the clergy throughout the kingdom were generally profeſſed papiſts, yet they were moſt of them ſuch as had conformed in king *Edward's* days, and were not therefore much to be feared for any tie their *profeſſion* could really have on their conſciences. Whereas, on the other hand, it was eaſy to ſee from many ſymptoms, that the general bent of the na-

tion was towards proteſtantiſm; and that too followed with a ſpirit which muſt in the end prevail over all oppoſition. Under theſe circumſtances then it was natural for the queen, if ſhe had not been otherwiſe led by her principles, and the intereſt of her title, to favour the reformation.

The truth is, ſhe came into it herſelf ſo heartily, and provided ſo effectually for its eſtabliſhment, that we are not to wonder ſhe became the idol of the reformed, at the ſame time that the papal power through all *Europe* was confederated againſt her. The enthuſiaſm of her proteſtant ſubjects was prodigious. It was raiſed by other conſiderations; but confirmed in all orders of the ſtate, by the eaſe they felt in their deliverance from the tyranny of the church, and, in the great eſpecially, by the ſweets they taſted in their enjoyment of the church-revenues. It was, in ſhort, one of thoſe extraordinary conjunctures in which the public danger becomes the public ſecurity; when religion and policy, conſcience and intereſt, unite their powers to ſupport the authority of the prince, and to give fidelity, vigour, and activity, to the obedience of the ſubject.

And thus it was, continued he, that ſo warm and unconquerable a zeal appeared in defence of the queen againſt all attempts of her enemies. Her people were ſo thoroughly proteſtant as to think

think no expence of her government too great, provided they could but be ſecured from relapſing into popery. And her parliaments were diſpoſed to wave all diſputes about the ſtretch of her prerogative, from a ſenſe of their own and the common danger.

In magnifying this advantage of the zeal and union of *Elizabeth's* good ſubjects, you forget, ſaid Dr. *Arbuthnot*, that two reſtleſs and inveterate factions were contending all her life-time within her own kingdom.

I am ſo far from forgetting that circumſtance, returned Mr. *Addiſon*, that I eſteem it ANOTHER of the great advantages of her ſituation.

The contrary tendencies of thoſe factions in ſome reſpects defeated each other. But the principal uſe of them was, that by means of their practices, ſome domeſtic plot, or foreign alarm, was always at hand to quicken the zeal and inflame the loyalty of her people. But to be a little more particular about the factions of her reign.

The PAPIST was, in truth, the only one ſhe had reaſon to be alarmed at. The PURITAN had but juſt begun to ſhew himſelf, though indeed with that ferocity of air and feature which ſignified clearly enough what ſpirit he was of, and

what, in good time, he was likely to come to. Yet even he was kept in tolerable humour by a certain commodious policy of the queen, which was so to divide her regards betwixt the church and the puritans, as made it the interest of both to keep well with her. 'Tis true, these last felt the weight of her resentment sometimes when they ventured too sawcily to oppose themselves to the establishment. But this was rarely, and by halves: and when checked with the most rigour, they had the satisfaction to see their patrons continue in the highest places at court, and, what is more, in the highest degree of personal favour.

And what doth all this shew, interrupted Dr. *Arbuthnot*, but that she managed so well as to disarm a furious faction, or rather make it serve against the bent of its nature, to the wise ends of her government?

As to any wise ends of government, I see none, replied Mr. *Addison*, deserving to be so called, that were answered by her uncertain conduct towards the puritans. For she neither restrained them with that severity which might perhaps have prevented their growth at first, nor shewed them that entire indulgence which might have disabled their fury afterwards. It is true, this temporizing conduct was well enough adapted to prevent disturbances in her own time. But large meterials were laid in for that terrible combustion

buſtion which was ſoon to break forth under one of her ſucceſſors.

And ſo, inſtead of imputing the diſaſters that followed, ſaid Dr. *Arbuthnot*, to the ill government of the STUARTS, you are willing to lay the whole guilt of them on this laſt and greateſt of the TUDORS. This is a new way of defending that royal houſe; and methinks, they owe you no ſmall acknowledgments for it. I confeſs it never occurred to me to make that apology for them.

Though I would not undertake, ſaid Mr. *Addiſon*, to make their apology from this, or any other circumſtance, I do indeed believe, that part of the difficulties the houſe of *Stuart* had to encounter, were brought upon them by this wretched policy of their predeceſſor. But, waving this conſideration, I deſire you will take notice of what I chiefly inſiſt upon, "That the eaſe and ſecurity of *Elizabeth's* adminiſtration was even favoured by the turbulent practices and claſhing views of her domeſtic factions." The PURITAN was an inſtrument, in her hands, of controlling the church, and of balancing the power of her miniſters: beſides, that this ſort of people were, of all others, the moſt inveterate againſt the common enemy. And for the PAPISTS themſelves (not to inſiſt that of courſe they would be ſtrictly watched, and that they were not, perhaps, ſo conſiderable

ſiderable as to create any immediate danger *) the general abhorrence, both of their principles and deſigns, had the greateſt effect in uniting more cloſely, and cementing, as it were, the affections of the reſt of her ſubjects. So that, whether within or without, the common danger, as I expreſſed it, was the common ſafety.

Still, ſaid Dr. *Arbuthnot*, I muſt think this a very extraordinary concluſion. I have no idea of the ſecurity of the great queen, ſurrounded as ſhe was, by her domeſtic and foreign enemies.

Her foreign enemies, returned Mr. *Addiſon*, were leſs formidable than they appear at firſt view. And I even make the condition of the neighbouring powers on the continent, in her time, a THIRD inſtance of the ſignal advantages of her ſituation.

It is true, if a perfect union had ſubſiſted between the catholic princes, the papal thunders would have carried terror with them. But, as it was, they were powerleſs and ineffectual. The civil wars of *France*, and a conſtant jealouſy of

* This will be admitted, if a calculation ſaid to have been made by themſelves of their number at that time may be relied on—" They make reckoning (ſaith Sir EDWIN SANDYS, in his *Speculum Europæ*, written in 1699) of forty hundred ſure catholics in *England*, with four hundred *Engliſh Roman* prieſts to maintain that militia, p. 157.

Spain,

Spain, left the queen but little to apprehend from that quarter. The *Spaniſh* empire indeed was vaſt, and under the direction of a bigotted vindictive prince. But the adminiſtration was odious and corrupt in every part. So that wiſe men ſaw there was more of bulk than force in that unwieldy monarchy. And the ſucceſsful ſtruggles of a handful of his ſubjects, inflamed by the love of liberty, and made furious by oppreſſion, proclaimed its weakneſs to all the world.

It may be true, interrupted Dr. *Arbuthnot*, that the queen had leſs to fear from the princes on the continent than is ſometimes repreſented. But you forget, in this ſurvey of the public dangers, the diſtractions of IRELAND, and the reſtleſs intrigues of her near neighbours the SCOTS: both of them aſſiſted by *Spain*; and theſe laſt under the peculiar influence and direction of the GUISES.

You ſhall have my opinion, returned Mr. *Addiſon*, in few words.

For the IRISH diſtractions, it was not the queen's intention, or certainly it was not her fortune to compoſe them: I mean, during the greateſt part of her reign; for we are now ſpeaking of the general tenor of her policy. Towards the cloſe of it, indeed, ſhe made ſome vigorous attempts to break the ſpirits of thoſe ſavages. And it was high time ſhe ſhould. For, through her faint proceedings againſt them, they had

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grown to that insolence as to think of setting up for an independency on *England*. Nay, the presumption of that arch-rebel TYRONE, countenanced and abetted by *Spain*, seemed to threaten the queen with still further mischiefs. The extreme dishonour, and even peril of this situation, roused her old age, at length, to the resolution of taking some effectual measures. The preparation was great, and suitable to the undertaking. It must further be owned, it succeeded; but so late, that she herself did not live to see the full effect of it. However, this success is reckoned among the glories of her reign. In the mean time, it is not considered that nothing but her ill policy, in suffering the disorders of that country to gather to a head, made way for this glory. I call it her *ill-policy*, for (unless it were rather owing to her excessive frugality *) one can hardly help thinking she designed to perpetuate the *Irish* dis-

* Mr. CAMDEN owns that the *Irish* rebellion, which in the end became so dangerous, had been "encouraged by a slighting of it, and a cripple handeness of *England*." [*Hist. of Elizabeth*, B. iv.]—To the same purpose another eminent writer of that time—"Before the transmitting of the last great army, the forces sent over by Q. *Elizabeth* were NOT of sufficient power to break and subdue all the *Irishry*." At last, however, "The extreme peril of losing the kingdom; the dishonour and dange that might thereby grow to the crown of *England*; together with a just disdain conceived by that great-minded queen, that so wicked and ungrateful a rebel should prevail against her, who had ever been victorious against all her enemies, did move and almost ENFORCE her to send over that mighty army. [Sir J. DAVIES' *Discovery of the State of Ireland*, p. 97. *Lond.* 1613.]

tractions.

tractions. At leaſt it was agreeable to a favourite maxim of hers, to check, and not to ſuppreſs them. And I think it clear from the manner of proſecuting the war, that, till this laſt alarm, ſhe never was in earneſt about putting an end to it.

SCOTLAND, indeed, demanded a more ſerious attention. Yet the weak-diſtracted counſels of that court—a minor king—a captive queen—and the unſettled ſtate of *France* itſelf, which defeated in a good degree the malice of the *Guiſes*—were favourable circumſtances.

But to be fair with you (for I would appear in the light of a reaſonable objector, not a ſophiſtical wrangler) I allow her policy in this inſtance to have been conſiderable. She kept a watchful eye on the ſide of *Scotland*. And, though many circumſtances concurred to favour her deſigns, it muſt be owned they were not carried without much care and ſome wiſdom.

I underſtand the value of this conceſſion, replied Dr. *Arbuthnot*. It muſt have been no common degree of both that extorted it from you.

I decline entering further, ſaid Mr. *Addiſon*, into the public tranſactions of that reign, if it were only that, at this diſtance of time, it may be no eaſy matter to determine any thing of the

policy with which they were conducted. Only give me leave to add as a FOURTH instance of the favourable circumstances of the time, "That the prerogative was then in its height, and that a patient people allowed the queen to use it on all occasions." Hence the apparent vigour and firmness of her administration: and hence the opportunity, which is so rarely found in our country, of directing the whole strength of the nation to any end of government, which the glory of the prince or the public interest demanded.

What you impute to the high strain of prerogative, returned Dr. *Arbuthnot*, might rather be accounted for from the ability of her government, and the wise means she took to support it. The principal of these was, by employing the GREATEST MEN in the several departments of her administration. Every kind of merit was encouraged by her smile *, or rewarded by her bounty. Virtue, she knew, would thrive best on its native stock, a generous emulation. This she promoted by all means; by her royal counte-

* Sir ROBERT NAUNTON tells us, "The queen was never profuse in delivering out of her treasure, but paid her servants, part in money, and the rest with GRACE; which, as the case stood, was then taken for good payment." [FRAG. REG. p. 89.] And NAT. BACON to the same purpose, "A wise man, that was an eye-witness of HER actions, and those that succeeded to her, many times hath said, That a courtier might make a better meal of one good LOOK from her, than of a gift from some other." [DISC. Part II. p. 266. *Lond.* 1651.]

nance,

nance, by a temperate and judicious praiſe, by the wiſeſt diſtribution of her preferments. Hence would naturally ariſe that confidence in the queen's counſels and undertakings, which the ſervile awe of her prerogative could never have occaſioned. This is the true account of the loyalty, obedience, and fidelity by which her ſervants were diſtinguiſhed. And thus, in fact, it was that throughout her kingdom there was every where that reverence of authority *, that ſenſe of honour, that conſcience of duty, in a word, that gracious ſimplicity of manners, which renders theage of *Elizabeth* truly GOLDEN: as preſenting the faireſt picture of humanity that is to be met with in the accounts of any people.

It is true, as you ſay, interpoſed Mr. *Addiſon*, that this *picture is a fair one.* But of what is it a copy? of the GENIUS of the time, or of the queen's virtues? You ſhall judge for yourſelf, after I have laid before you TWO remarkable

* This *reverence of authority*, one of the characteriſtics of that time, and which Mr. *Addiſon* preſently accounts for, a great writer celebrates in theſe words—"It was an ingenious uninquiſitive time, when all the paſſions and affections of the people were lapped up in ſuch an innocent and humble obedience, that there was never the leaſt conteſtation nor capitulation with the queen, nor (though ſhe very frequently conſulted with her ſubjects) *any further reaſons urged of her actions, than* HER OWN WILL." See a Tract intitled THE DISPARITY, in Sir *H. Wotton's* Remains, p. 46. ſuppoſed to have been written by the earl of *Clarendon*.

events of that age, which could not but have the greateſt effects of the public manners; I mean, THE REFORMATION OF RELIGION, and, what was introductory of it, THE RESTORATION OF LETTERS. From theſe, as their proper ſources, I would derive the ability and fidelity of *Elizabeth's* good ſubjects.

The paſſion for LETTERS was extreme. The novelty of theſe ſtudies, the artifices that had been uſed to keep men from them, their apparent uſes, and, perhaps, ſome confuſed notion of a certain diviner virtue, than really belongs to them, theſe cauſes concurred to excite a curioſity in all, and determined thoſe, who had leiſure, as well as curioſity, to make themſelves acquainted with the *Greek* and *Roman* learning. The eccleſiaſtics, who, for obvious reaſons, would be the firſt and moſt earneſt in their application, were not the only perſons tranſported with this zeal. The gentry and nobility themſelves were ſeized with it. A competent knowledge of the old writers was looked upon as eſſential to a gentleman's education. So that *Greek* and *Latin* became as faſhionable at court in thoſe days, as *French* is in ours. *Elizabeth* herſelf, which I wonder you did not put me in mind of, was well ſkilled in both *;

* PAULUS HENTZNERUS, a learned *German*, who was in *England* in 1598, goes ſtill further in his encomium on the queen's ſkill in languages. He tells us that, "præterquàm quòd Græcè Latinè eleganter eſt docta, tenet, ultra jam me-

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they ſay, employed her leiſure in making ſome fine tranſlations out of either language. It is eaſy to ſee what effect this general attention to letters muſt have on the minds of the liberal and well educated. And it was a happineſs peculiar to that age, that learning, though cultivated with ſuch zeal, had not as yet degenerated into pedantry: I mean, that, in thoſe ſtirring and active times, it was cultivated, not ſo much for ſhew, as uſe; and was not followed, as it ſoon came to be, to the excluſion of other generous and manly applications.

morata idiomata, etiam Hiſpanicum, Scoticum, et Belgicum." See his *Itinerarium.*

But this was the general character of the great in that reign; at leaſt, if we may credit Maſter WILLIAM HARRISON, who diſcourſeth on the ſubject before us in the following manner: "This further is not to be omitted, to the ſingular commendation of both ſorts and ſexes of our courtiers here in *England*, that there are very few of them, which have not the uſe and ſkill of ſundry ſpeeches, beſide an excellent vein of writing, before-time not regarded. Truly it is a rare thing with us now, to hear of a courtier which hath but his own language. And to ſay how many gentlewomen and ladies there are, that, beſide ſound knowledge of the *Greek* and *Latin* tongues, are thereto no leſs ſkillful in the *Spaniſh*, *Italian*, and *French*, or in ſome one of them, it reſteth not in me: ſith I am perſuaded, that as the noblemen and gentlemen do ſurmount in this behalf, ſo theſe come very little or nothing behind them for their parts; which induſtry God continue, and accompliſh that which otherwiſe is wanting." *Deſcription of England*, p. 196.

Conſider

Conſider too the effects which the alterations in religion had produced. As they had been lately made, as their importance was great, and as the benefits of the change had been earned at the expence of much blood and labour, all theſe conſiderations begot a zeal for religion which hardly ever appears under other circumſtances. This zeal had an immediate and very ſenſible effect on the morals of the reformed. It improved them in every inſtance; eſpecially as it produced a chearful ſubmiſſion to the government, which had reſcued them from their former ſlavery, and was ſtill their only ſupport againſt the returning dangers of ſuperſtition. Thus religion, acting with all its power, and that too heightened by gratitude and even ſelf-intereſt, bound obedience on the minds of men with the ſtrongeſt ties *. And luckily for the queen, that obe-

* Amongſt theſe *ties*, it is wonderful the ſpeaker overlooked the *prejudice of education*; eſpecially as ſuch uncommon methods were uſed to make it effectual to the purpoſe here mentioned.—A book, called EIPHNAPXIA, ſive ELIZABETHA, was written in *Latin* verſe by one OCKLAND, containing the higheſt panegyrics on the queen's character and government, and ſetting forth the tranſcendent virtues of her miniſters. This book was enjoined by authority to be taught, as a claſſic author, in grammar ſchools, and was of courſe to be gotten by heart by the young ſcholars throughout the kingdom.

This was a matchleſs contrivance to imprint a ſenſe of loyalty on the minds of the people. And, though it flowed, as we are to ſuppoſe, from a tender regard, in the adviſers of it, for the intereſts of proteſtantiſm in that reign; yet its uſes are

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dience was further secured to her by the high uncontroverted notions of royalty, which at that time obtained among the people.

Lay all this together, and then tell me where is the wonder, that a people, now emerging out of ignorance; uncorrupted by wealth, and therefore undebauched by luxury; trained to obedience, and nurtured in simplicity; but above all, caught with the love of learning and religion, while neither of them was worn for fashion-sake, or, what is worse, perverted to the ends of vani-

so apparent in any reign, and under any administration, that nothing but the moderation of her successors, and the reasonable assurance of their ministers that their own acknowledged virtues were a sufficient support to them, could have hindered the expedient from being followed.

But, though the stamp of public authority was wanting, private men have attempted, in several ways, to supply this defect. To instance only in one. The protestant queen was to pass for a mirror of *good government:* hence the Ἐγκαίνια. Her successor would needs be thought a mirror of *eloquence:* and hence the noble enterprize I am about to celebrate. "Mr. GEORGE HERBERT (I give it in the grave historian's own words) being prælector in the rhetorique school in *Cambridge*, in 1618, passed by those fluent orators, that domineered in the pulpits of *Athens* and *Rome*, and insisted to read upon an oration of K. *James*, which he analysed; shewed the concinnity of the parts; the propriety of the phrase; the height and power of it to move the affections; the style UTTERLY UNKNOWN TO THE ANCIENTS; who could not conceive what kingly eloquence was, in respect of which those noted demagogi were but hirelings and triobolary rhetoricians." *Bishop* HACKET'S *life of archbishop* WILLIAMS, p. 175.

ty or ambition; where, I say, is the wonder that such a people should present so fair a picture of manners to their admiring panegyrist?

To be fair with you, it was one of those conjunctures in which the active virtues are called forth, and rewarded. The dangers of the time had rouzed the spirit, and brought out all the force and genius of the nation. A sort of enthusiasm had fired every man with the ambition of exerting the full strength of his faculties, which way soever they pointed, whether to the field, the closet, or the cabinet. Hence such a crop of soldiers, scholars, and statesmen had sprung up, as have rarely been seen to flourish together in any country. And as all owed their duty, it was the fashion of the times for all to bring their pretensions to the court. So that, where the multitude of candidates was so great, it had been strange indeed if an ordinary discretion had not furnished the queen with able servants of all sorts; and the rather, as her occasions loudly called upon her to employ the ablest.

I was waiting, said Dr. *Arbuthnot*, to see to what conclusion this career of your eloquence would at length drive you. And it hath happened in this case, as in most others where a favourite point is to be carried, that a zeal for it is indulged, though at the expence of some other of more importance. Rather than admit the

perſonal virtues of the queen, you fill her court, nay, her kingdom with heroes and ſages: and ſo have paid a higher compliment to her reign, than I had intended.

To her *reign*, if you will, replied Mr. *Addiſon*, ſo far as regards the qualities and diſpoſitions of her ſubjects; for I will not leſſen the merit of this conceſſion with you by inſiſting, as I might, that their *manners*, reſpectable as they were, were debaſed by the contrary, yet very conſiſtent vices of ſervility and inſolence*; and their virtues of every kind deformed by barbariſm. But for the queen's own merit in the choice of her ſervants, I muſt take leave to declare my ſentiments to you very plainly. It may be true, that ſhe poſſeſſed a good degree of ſagacity in deſcerning the natures and talents of men. It was the virtue by which, her admirers tell us, ſhe was principally

* It muſt be owned, a learned foreigner gives this character of the *Engliſh* at that time. "Angli, ut ADDICTE SERVIUNT, ità evecti ad dignitates priorem humilitatem INSOLENTIA rependunt." *H. Grotii Ann.* L. v. p. 95. *Amſt.* 1657. Hence the propriety of thoſe complaints, in our great poet, of,

"The whips and ſcorns of th' time,
Th' oppreſſor's wrong, the proud man's contumely,
THE INSOLENCE OF OFFICE"—

complaints ſo frequent, and ſo forcibly expreſſed by him, that we may believe he painted from his own obſervation, and perhaps experience, of this inſolent miſuſe of authority. *Meaſure for Meaſure*, Act II. Sc. vii.

diſtinguiſhed.

diſtinguiſhed. Yet that the high fame of this virtue hath been owing to the felicity of the times, abounding in all ſorts of merit, rather than to her own judgment, I think clear from this circumſtance, "That ſome of the moſt deſerving of thoſe days, in their ſeveral profeſſions, had not the fortune to attract the queen's grace, in the proportion they might have expected." I ſay nothing of poor SPENSER. Who has any concern for a poet*? But if merit alone had determined her majeſty's choice, it will hardly at this day admit a diſpute, that the immortal HOOKER and BACON † at leaſt had ranked in ano-

* Yet it may ſeem probable from this poet's conduct in *Ireland*, and his *view of the ſtate of that country*, that his talents for *buſineſs* (ſuch as *Cecil* himſelf muſt have approved) were no leſs conſiderable than for poetry. But he had ſerved a diſgraced man; and had drawn upon himſelf the admiration of the generous earl of *Eſſex*. So that, as the hiſtorian expreſſeth it, "by a fate, which ſtill follows poets, he always wreſtled with poverty, though he had been ſecretary to the lord *Gray*, lord-deputy of *Ireland*." All that remained for him was, "to be interred at *Weſtminſter*, near to *Chaucer*, at the charge of the earl of *Eſſex*; his hearſe being attended by poets, and mournful elegies and poems, with the pens that wrote them, thrown into his grave." CAMDEN, L. iv.

† The editor profeſſes to believe that the queen had great injuſtice done her in this imputation, at leaſt with regard to Sir FRANCIS BACON. For he underſtands ſhe gave a very plauſible reaſon, and doubtleſs much approved by the grave lawyers and other judicious perſons of that time, for her neglect of this gentleman. "She did acknowledge (ſays the earl of *Eſſex*, in a letter to Mr. *Francis Bacon*) you had a great wit, ther

ther clafs than that in which this great difcerner of fpirits thought fit to leave them.

And her character, continued he, in every other refpect is juft as equivocal. For having touched one part of it, I now turn from thefe general confiderations on the circumftances and genius of the time, to our more immediate fubject, the PERSONAL QUALITIES of *Elizabeth*. Hitherto we have ftood aloof from the queen's perfon. But there is no proceeding a ftep further in this debate, unlefs you allow me a little more liberty. May I then be permitted to draw the veil of *Elizabeth's* court, and by the lights, which hiftory holds out to us, contemplate

and an excellent gift of fpeech, and much other good learning. But in LAW, fhe rather thought you could make fhew, to the utmoft of your knowledge, than that you were deep." *Mem. of Q.* ELIZABETH, *by Dr.* BIRCH.

If it be afked, how the queen came to form this conclufion, the anfwer is plain. It was from Mr. *Bacon's* having a GREAT WIT, an excellent GIFT OF SPEECH, and much other GOOD LEARNING.

It is true, Sir *Francis Bacon* himfelf gives another account of this matter. In a letter of advice to Sir GEORGE VILLIERS, he fays, "In this dedication of yourfelf to the public, I recommend unto you principally that which I think was never done fince I was born—That you countenance and encourage and advance ABLE MEN, in all kinds, degrees, and profeffions. For in the time of the CECILS, father and fon, ABLE MEN WERE BY DESIGN AND OF PURPOSE SUPPRESSED. *Cabala*, p. 57. Ed. 1691.—But either way indeed the queen's character is equally faved.

the myſteries that were celebrated in that awful ſanctuary?

After ſo reverend a preface, replied Dr. *Arbuthnot*, I think you may be indulged in this liberty. And the rather, as I am not apprehenſive that the honour of the illuſtrious queen is likely to ſuffer by it. The ſecrets of her cabinet-council, it may be, are not to be ſcanned by the profane. But it will be no preſumption to ſtep into the drawing-room.

Yet I may be tempted, ſaid Mr. *Addiſon*, to uſe a freedom in this ſurvey of her majeſty that would not have been granted to her moſt favoured courtiers. As far as I can judge of her character, as diſplayed in that ſolemn ſcene of her court, ſhe had ſome apparent VIRTUES, but more genuine VICES; which yet, in the public eye, had equally the fortune to reflect a luſtre on her government.

Her gracious affability, her love of her people, her zeal for the national glory; were not theſe her more obvious and ſpecious qualities? Yet I doubt they were not ſo much the proper effects of her nature, as her policy; a ſet of ſpurious virtues begotten by the very neceſſity of her affairs.

For

For her AFFABILITY, ſhe ſaw there was no way of being ſecure amidſt the dangers of all ſorts, with which ſhe was ſurrounded, but by ingratiating herſelf with the body of the people. And, though in her nature ſhe was as little inclined to this condeſcenſion as any of her ſucceſſors, yet the expediency of this meaſure compelled her to ſave appearances. And it muſt be owned ſhe did it with grace, and even acted her part with ſpirit. Poſſibly, the conſideration of her being a female actor, was no diſadvantage to her.

But when ſhe had made this ſacrifice to intereſt, her proper temper ſhewed itſelf clearly enough in the treatment of her nobles, and of all that came within the verge of the court. Her caprice, and jealouſy, and haughtineſs appeared in a thouſand inſtances. She took offence ſo eaſily, and forgave ſo difficultly, that even her principal miniſters could hardly keep their ground, and were often obliged to redeem her favour by the loweſt ſubmiſſions. When nothing elſe would do, they ſickened and were even at death's door; from which peril, however, ſhe would ſometimes relieve them, but not till ſhe had exacted from them, in the way of penance, a courſe of the moſt mortifying humiliations. Nay, the very ladies of her court had no way to maintain their credit with her, but by ſubmitting patiently to the laſt indignities.

It

It is allowed, from the inſtances you have in view, returned Dr. *Arbuthnot*, that her nature was ſomething high and imperious. But theſe ſallies of paſſion might well enough conſiſt with her general character of affability.

Hardly, as I conceive, anſwered Mr. *Addiſon*, if you reflect that theſe ſallies, or rather habits of paſſion, were the daily terror and vexation of all about her. Her very minions ſeemed raiſed for no other purpoſe, than the exerciſe of her ill humour. They were encouraged, by her ſmile, to preſume on the royal countenance, and then beaten down again in puniſhment of that preſumption. But, to ſay the truth, the ſlaviſh temper of the time was favourable to ſuch exertions of female caprice and tyranny. Her imperious father, all whoſe virtues ſhe inherited, had taught her a ſure way to quell the ſpirit of her nobles. They had been long uſed to ſtand in awe of the royal frown. And the people were pleaſed to find their betters ruled with ſo high a hand at a time when they themſelves were addreſſed with every expreſſion of reſpect, and even flattery.

She even carried this mockery ſo far, that, as *Harrington* obſerves well, " ſhe converted her reign, through the perpetual love-tricks that paſſed between her and her people, into a kind of

of romance." And though that political projector, in profecution of his favourite notion, fuppofes the queen to have been determined to thefe intrigues, by obferving that the weight of property was fallen into the popular fcale; yet we need look no further, for an account of this proceeding, than the inherent haughtinefs of her temper. She gratified the infolence of her nature in neglecting, or rather beating down, her nobility, whofe greatnefs might feem to challenge refpect; while the court fhe paid to the people revolted her pride, lefs as paffing wholly upon herfelf, as well as others, for a voluntary act of affability. Juft as we every day fee very proud men carry it with much loftinefs towards their equals, or thofe who are raifed to fome nearnefs of degree to themfelves, at the fame time that they affect a fort of courtefy to fuch as are confeffedly beneath them.

You fee then what her boafted affability comes to. She gave good words to her people whom it concerned her to be well with, and whom her pride itfelf allowed her to *manage*. She infulted her nobles, whom fhe had in her power, and whofe abafement flattered the idea, fhe doated upon, of her own fuperiority and importance *.

* It muft be confeffed, there is fome colour for this imputation. She even appears to have rated her courtiers, on certain occafions, in much the fame tone as a maftor might ufe to his fcholars. The lord *Mountjoy* [then Sir CHARLES BLOUNT]

Let

Let the queen's manner of treating her ſubjects be what it would, Dr. *Arbuthnot* ſaid, it appears to have given no offence in thoſe days, when the ſincerity of her intentions was never queſtioned. Her whole life is a convincing argument, that ſhe bore the moſt entire affection to her people.

HER LOVE OF HER PEOPLE, returned Mr. *Addiſon* haſtily, is with me a very queſtionable virtue. For what account ſhall we give of the multitude of penal Statutes, paſſed in her reign? Or, becauſe you will ſay, there was ſome colour for theſe; what excuſe ſhall we make for her frequent grants of monopolies, ſo ruinous to the public wealth and happineſs, and ſo perpetually complained of by her parliaments? You will ſay, ſhe recalled them. She did ſo. But not till the general indignation had, in a manner, forced her to recall them. If by her *people*, be

being of a military turn, had ſtolen over into *France*, without the queen's knowledge, in order to ſerve in *Bretagne*, under one of her generals. Upon his return, which was haſtened too by her expreſs command, "Serve me ſo again, ſaid the queen, once more, and I will lay you faſt enough for running. You will never leave, till you are knocked o'the head, as that inconſiderate fellow SIDNEY was. You ſhall go when I ſend you. In the mean time ſee that you lodge in the court, where you may FOLLOW YOUR BOOKS, READ, AND DISCOURSE OF THE WARS." Sir ROBERT NAUNTON'S FR. REG. in L. *Burleigh*.

ment

meant thoſe of the poorer and baſer ſort only, it may be allowed ſhe ſeemed on all occaſions willing to ſpare them. But for thoſe of better rank and fortune ſhe had no ſuch conſideration. On the other hand, ſhe contrived, in many ways, to pillage and diſtreſs them. It was the tameneſs of that time to ſubmit to every impoſition of the ſovereign. She had only to command her gentry on any ſervice ſhe thought fit, and they durſt not decline it. How many of her wealthieſt and beſt ſubjects did ſhe impoveriſh by theſe means (though under colour, you may be ſure, of her high favour) and ſometimes by her very viſits? I will not be certain, added he, that her viſit to this pompous caſtle of her own *Leiceſter*, had any other intention.

But what, above all, are we to think of her vow of celibacy, and her obſtinate refuſal to ſettle the ſucceſſion, though at the conſtant hazard of the public peace and ſafety?

You are hard put to it, I perceive, interrupted Dr. *Arbuthnot*, to impeach the character of the queen in this inſtance, when a few penal laws, neceſſary to the ſupport of her crown in that time of danger; one wrong meaſure of her government, and that corrected; the ordinary uſe of her prerogative; and even her virginity, are made crimes of. But I am curious to hear what you have to object to her ZEAL FOR THE ENGLISH

GLORY, carried so high in her reign, and the single point, as it seems to me, to which all her measures, and all her counsels were directed.

The *English* glory, Mr. *Addison* said, may, perhaps, mean the state and independency of the crown. And then, indeed, I have little to object. But, in any other sense of the word, I have sometimes presumed to question with myself, if it had not been better consulted by a more effectual assistance of the reformed on the continent; by a more vigorous prosecution of the war against *Spain* *; and, as I hinted before, by a more complete reduction of *Ireland*. But say, we are no judges of those high matters. What glory accrued to the *English* name by the insidious dealing with the queen of *Scots*; by the vindictive proceedings against the duke of *Norfolk*; by the mercileſs persecutions of the unhappy earl of *Essex?* The same spirit, you see, continued

* It must not be dissembled, that so good a judge of military matters as Sir WALTER RALEGH talked much in the same way of the conduct of the *Spanish* war. "If the late queen would have believed her men of war, as she did her scribes, we had, in her time, beaten that great empire in pieces, and made their kings, kings of figs and oranges, as in old times. But *her majesty did all by halves*, and, by petty invasions, taught the *Spaniard* how to defend himself, and to see his own weakness; which, till our attempts taught him, was hardly known to himself." See his works, vol. i. p. 273. RALEGH, it may be said, was of the *Cecil* faction. But the men of war, of the *Essex* faction, talked exactly in the same strain; which shews that this might probably be the truth.

from

from the beginning of this reign to the end of it. And the obſervation is the better worth attending to, becauſe ſome have excuſed the queen's treatment of *Eſſex*, by ſaying, "That her nature, in that decline of life, was ſomewhat clouded by apprehenſions; as the horizon, they obſerve, in the beginning of the brighteſt day, is apt to be obſcured by vapours *." As if this fanciful ſimile, which illuſtrates perhaps, could excuſe the perverſeneſs of the queen's temper; or, as if that could deſerve to paſs for an incident of age, which operated through life, and ſo declares itſelf to have been the proper reſult of her nature.

You promiſed not, interpoſed Dr. *Arbuthnot*, to pry too cloſely into the ſecrets of the cabinet. And ſuch I muſt needs eſteem the points to be which you have mentioned. But enough of theſe beaten topics. I would rather attend you in the ſurvey you promiſed to take of her court, and of the princely qualities that adorned it. It is from what paſſes in the inſide of his palace, rather than from ſome queſtionable public acts, that

* See Sir HENRY WOTTON's *Parallel of the earl of Eſſex and duke of Buckingham*. The words, however, are a little different: "He [the earl of *Eſſex*] was to wreſtle with a queen's declining, or rather with her very ſetting age, as we may term it; which, beſides other reſpects, is commonly, even of itſelf, the more umbratious and apprehenſive; as for the moſt part all horizons are charged with certain vapours towards their evening." REMAINS, p. 11.

the real character of a prince is beſt determined. And there, methinks, you have a ſcene opened to you, that deſerves your applauſe. Nothing appears but what is truly royal. Nobody knew better, than *Elizabeth*, how to ſupport the decorum of her rank. She preſided in that high orb with the dignity of a great queen. In all emergencies of danger, ſhe ſhewed a firmneſs, and on all occaſions of ceremony, a magnificence, that commanded reſpect and admiration. Her very diverſions were tempered with a ſeverity becoming her ſex and place, and which made her court, even in its lighteſt and gayeſt humours, a ſchool of virtue.

Theſe are the points, concluded he, I could wiſh you to ſpeak to. The reſt may be left to the judgment of the hiſtorian, or rather to the curioſity of the nice and critical politician.

You ſhall be obeyed, Mr. *Addiſon* ſaid. I thought it not amiſs to take off the glare of thoſe applauded qualities, which have dazzled the public, at a diſtance, by ſhewing that they were either feigned or over-rated. But I come now to unmaſk the real character of this renowned princeſs. I ſhall paint her freely indeed, but truly as ſhe appears to me. And to ſpeak my mind at once, I think it is not ſo much to her virtues, which at beſt were equivocal, as to her very VICES that we are to impute the popular admiration of her character and government.

I be-

I before took notice of the high, indecent PASSION she discovered towards her courtiers. This fierceness of temper in the softer sex was taken for heroism; and falling in with the slavish principles of the age, begot a degree of reverence in her subjects, which a more equal, that is, a more becoming deportment would not have produced. Hence she was better served than most of our princes, only because she was more feared, in other words, because she less deserved to be so. But high as she would often carry herself in this unprincely, I had almost said, unwomanly treatment of her servants; awing the men by her oaths, and her women by blows; it is still to be remembered, that she had a great deal of natural TIMIDITY in her constitution.

What, interrupted Dr. *Arbuthnot* hastily, the magnanimous *Elizabeth* a coward? I should as soon expect this charge to have been brought against *Cæsar* himself, or your own *Marlborough*.

I distinguish, Mr. *Addison* said, betwixt a parade of courage, put on to serve a turn, and keep her people in spirits, and that true greatness of mind, which, in one word, we call *magnanimity*. For this last, I repeat it, she either had it not, or not in the degree in which it has been ascribed to her. On the contrary, I see a littleness, a pusillanimity in her conduct on a thousand occa-

ſions. Hence it was, that both to her people and ſuch of the neighbouring ſtates as ſhe ſtood in awe of, ſhe uſed an exceſſive hypocriſy, which, in the language of the court, you may be ſure was called policy. To the *Hollanders*, indeed, ſhe could talk big, and it was not her humour to manage thoſe over whom ſhe had gained an aſcendant. This has procured her, with many, the commendation of a princely magnanimity. But, on the other hand, when diſcontents were apprehended from her ſubjects, or when *France* was to be diverted from any deſigns againſt her, no art was forgotten that might cajole their ſpirits with all the profeſſions of cordiality and affection. Then ſhe was *wedded*, that was the tender word, to her people: and then the intereſt of religion itſelf was ſacrificed by this proteſtant queen to her newly perverted brother on the continent.

Her foible, in this reſpect, was no ſecret to her miniſters. But, above all, it was practiſed upon moſt ſucceſsfully by the lord *Burghley*; "For whom, as I have ſeen it obſerved, it was as neceſſary that there ſhould be treaſons, as for the ſtate that they ſhould be prevented*." Hence it was, that he was perpetually raiſing her fears by the diſcovery of ſome plot, or, when that was wanting, by the propoſal of ſome law for her greater ſecurity. In ſhort, he was for

* The Disparity, p. 43.

ever

ever finding, or making, or ſuggeſting dangers. The queen, though ſhe would look big (for indeed ſhe was an excellent actreſs) ſtartled at the ſhadows of thoſe dangers, the ſlighteſt rumours. And to this convenient timidity of his miſtreſs, ſo conſtantly alarmed, and relieved in turn by this wily miniſter, was owing, in a good degree, that long and unrivalled intereſt he held in her favour.

Still, further, to this conſtitutional *fear* (which might be forgiven to her ſex, if it had not been ſo ſtrangely mixed with a more than maſculine ferocity in other inſtances) muſt be aſcribed thoſe favourite maxims of policy, which ran through her whole government. Never was prince more attached to the machiavilian doctrine, DIVIDE ET IMPERA, than our *Elizabeth* *. It made the ſoul

* This account of her policy ſeems confirmed by what we read in the DISPARITY, before cited. "That trick of countenancing and protecting factions (as that queen, almoſt her whole reign, did, with ſingular and equal demonſtration of grace, look upon ſeveral perſons of moſt diſtant wiſhes one towards another) was not the leaſt ground of much of her quiet and ſucceſs. And ſhe never doubted but that men, that were never ſo oppoſite in their good will each to other, nor never ſo diſhoneſt in their projectments for each other's confuſion, might yet be reconciled in their allegiance towards her. Inſomuch, that during her whole reign, ſhe never endeavoured to reconcile any perſonal differences in the court, though the unlawful emulations of perſons of neareſt truſt about her, were ever like to overthrow ſome of her chiefeſt deſigns: *A policy, ſeldom entertained by princes, eſpecially if they have iſſues*

of her policies, domeſtic, and foreign. She countenanced the two prevailing factions of the time. The churchmen and puritans divided her favour ſo equally, that her favourites were ſure to be the chiefs of the contending parties. Nay, her court was a conſtant ſcene of cabals and perſonal animoſities. She gave a ſecret, and ſometimes an open countenance to theſe jealouſies. The ſame principle directed all her foreign * negotiations.

And are not you aware, interrupted Dr. *Arbuthnot*, that this objected policy is the very topic that I, and every other admirer of the queen, would employ in commendation of her great ability in the art of government? It has been the fate of too many of our princes, and perhaps ſome late examples might be given, to be governed and even inſulted by a prevailing party of their own ſubjects. *Elizabeth* was ſuperior to ſuch attempts. She had no by ends to purſue. She frankly threw herſelf on her people.

to ſurvive them." p. 46. Her own hiſtorian, it is true, ſeems a little ſhy of acknowledging this conduct of the queen, with regard to her nobility and miniſters. But he owns, "She now and then took a pleaſure (and not unprofitably) in the emulation and privy grudges of her women." *Camden's* ELIZABETH, p. 79. fol. *Lond.* 1688.

* We find an intimation to this purpoſe, in a writer of credit, at leaſt with reſpect to the *Dutch* and *Ireland*—"Jam er *divulſam* Hiberniam, et in Batavis Angli militis *ſeditionis*, velut JUSSAS, erant qui exprobrarent." GROTII ANNAL. l. xii. p. 432.

And,

And, ſecure in their affection, could defeat, at pleaſure, or even divert herſelf with the intrigues of this or that aſpiring faction.

We underſtand you, Mr. *Addiſon* replied; but when two parties are contending within a ſtate, and one of them only in its true intereſt, the policy is a little extraordinary that ſhould incline the ſovereign to diſcourage *this*, from the poor ambition of controlling *that*, or, as you put it ſtill worſe, from the dangerous humour of playing with *both* parties. I ſay nothing of later times. I only aſk, if it was indifferent whether the counſels of the CECILS, or of LEICESTER were predominant in that reign? But I mentioned theſe things before, and I touch them again now only to ſhew you, that this conduct, however it may be varniſhed over by the name of wiſdom, had too much the air of fearful womaniſh intrigue to conſiſt with that heroical firmneſs and intrepidity, ſo commonly aſcribed to queen *Elizabeth* *.

* It muſt not be concealed, that ſomething like this was obſerved of her diſpoſition by Sir JAMES MELVIL. After having related to his miſtreſs, the queen of *Scots*, the ſtrong profeſſions of friendſhip which the queen of *England* had made to him, "She [the queen of *Scots*] enquired, ſays he, whether I thought that queen meant truly toward her inwardly in her heart as ſhe appeared to do outwardly in her ſpeech. I anſwered freely, that, in my judgment, there was neither plain dealing, nor upright meaning, but great diſſimulation, emulation, and FEAR, leſt her princely qualities ſhould over ſoon chace her from her kingdom, &c." MEMOIRS, p. 53.

And

And what if after all I ſhould admit, replied Dr. *Arbuthnot*, that, in the compoſition of a woman's courage, at leaſt, there might be ſome ſcruples of diſcretion; is there any advantage, worth contending for, you could draw from ſuch a conceſſion? Or, becauſe you would be thought ſerious, I will put the matter more gravely. The arts of prudence, you arraign ſo ſeverely, could not be taken for puſillanimity. They certainly were not, in her own time, for ſhe was not the leſs eſteemed or revered by all the nations of *Europe* on account of them. The moſt you can fairly conclude is, that ſhe knew how to unite addreſs with bravery, and that, on occaſion, ſhe could *diſſemble* her high ſpirit. The difficulties of her ſituation obliged her to this management.

Rather ſay at once, returned Mr. *Addiſon*, that the conſtant diſſimulation, for which ſhe was ſo famous, was aſſumed to ſupply the want of a better thing, which had rendered all thoſe arts as unneceſſary as they were ignoble.

But *haughtineſs*, and *timidity*, purſued he, were not the only vices that turned to good account in the queen's hands. She was frugal beyond all bounds of decorum in a prince, or rather AVARICIOUS beyond all reaſonable excuſe from the public wants and the ſtate of her revenue. Nothing is more certain than this fact,

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from the allowance both of friends and enemies. It seems as if, in this respect, her father's example had not been sufficient; and that, to complete her character, she had incorporated with many of his, the leading vice of her grandfather.

Here Dr. *Arbuthnot* could not contain himself; and the castle happening at that time, from the point where they stood, to present the most superb prospect, "Look there, said he, on the striking, though small remnants of that grandeur you just now magnified so much, and tell me if, in your conscience, you can believe such grants are the signs, or were the effects of avarice. For you are not to learn, that this palace before us is not the only one in the kingdom, which bears the memory of the queen's bounty to her servants."

Mr. *Addison* seemed a little struck with the earnestness of this address; "It is true, said he, the queen's fondness for one or two of her favourites made her sometimes lavish of her grants; especially of what cost her nothing, and did not, it seems, offend the delicacy of her scruples, I mean of the *church-lands*. But at the same time her treasury was shut against her ambassadors and foreign ministers; who complain of nothing more frequently than the slenderness of their appointments, and the small and slow remittances, that were made to them. This frugality (for I

muſt not call it by a worſe name) diſtreſſed the public ſervice on many occaſions*; and would have done it on more, if the zeal of her truſty ſervants had not been content to carry it on at the expence of their own fortunes. How many inſtances might be given of this, if ONE were not more than ſufficient, and which all poſterity will remember with indignation!

You ſpeak of *Walſingham*, interpoſed Dr. *Arbuthnot*. But were it not more candid to impute the poverty of that miniſter to his own generous contempt of riches, which he had doubtleſs many fair occaſions of procuring to himſelf, than to any deſigned neglect of him by his miſtreſs?

The candour, returned Mr. *Addiſon*, muſt be very extraordinary that can find an excuſe for the queen in a circumſtance that doubles her diſgrace. But be it as you pretend. The uncommon moderation of the man ſhall be a cover to

* Secretary *Walſingham*, in a letter to the queen, *Sept.* 2, 1581, amongſt other things to the ſame purpoſe, has the following words—" *Remember*, I humbly beſeech your majeſty, *the reſpect of charges hath loſt* Scotland: and I would to God I had no cauſe to think, that *it might put your highneſs in peril of the loſs of* England." And even the lord treaſurer himſelf (we are told) in a letter ſtill extant in the paper-office, written in the critical year 1588, while the *Spaniſh* armada was expected againſt *England*, excuſes himſelf to Sir *Edward Stafford*, then ambaſſador in *France*, for not writing to him oftner, *on account of her majeſty's unwillingneſs to be at the expence of meſſengers.*" Sir T. EDMONDE's *State-papers*, by Dr. *Birch*, p. 21.

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the queen's parſimony. It was not, we will ſay, for this wiſe princeſs to provoke an appetite for wealth in her ſervants: it was enough that ſhe gratified it, on proper occaſions, where ſhe found it already raiſed. And in this proceeding, no doubt, ſhe was governed by a tender regard for their honour, as well as her own intereſt. For how is her great ſecretary ennobled by filling a place in the ſhort liſt of thoſe worthies, who, having lived and died in the ſervice of their countries, have left not ſo much as a pittance behind them to carry them to their graves! All this is very well. But when ſhe had indulged his humour in one or two of her favourites, and ſuffered them, for example's ſake, to aſcend to theſe heights of honour, it was going, methinks, a little too far to expect the ſame delicacy of virtue of all her courtiers. Yet it was not her fault, if moſt of them did not reap this fame of illuſtrious poverty, as well as *Walſingham*. She dealt by them, indeed, as if ſhe had ranked poverty, as well as celibacy, among the cardinal virtues.

In the mean time I would not deny that ſhe had a princely fondneſs for ſhew and appearance. She took a pride in the brilliancy of her court. She delighted in the large trains of her nobility. She required to be royally entertained by them. And ſhe thought her honour concerned in the figure they made in foreign courts, and in the wars. But, if ſhe loved this pomp, ſhe little cared

cared to furnish the expence of it. She considered in good earnest (as some have observed, who would have the observation pass for a compliment *) *the purses of her subjects as her own*; and seemed to reckon on their being always open to her on any occasion of service, or even ceremony. She carried this matter so far, that the very expences of her wars were rather defrayed out of the private purses of her nobility, than the public treasury. As if she had taken it for a part of her *prerogative* to impoverish her nobles at pleasure; or rather, as if she had a mind to have it thought that one of their *privileges* was to be allowed to ruin themselves from a zeal to her service.

But the queen's avarice, proceeded he, did not only appear from her excessive parsimony in the management of the public treasure, but from her rapacity in getting what she could from particulars into her privy purse. Hence it was, that all offices, and even personal favours were, in a

* One of these complaisant observers, I suppose, was the writer of *the Description of England*, who, speaking of the variety of the queen's houses, checks himself with saying, "But what shall I need to take upon me to repeat all, and tell what houses the queen's majesty hath? Sith ALL IS HIRS, and when it pleaseth hir in the summer season to recreate herself abroad, and view the estate of the countrie, and hear the complaints of her unjust officers or substitues, *every nobleman's house is her palace*, where she continueth during pleasure, and till she returne againe to some of her owne, in which she remaineth as long as pleaseth hir." p. 196.

manner,

manner, ſet to ſale. For it was a rule with her majeſty, to grant no ſuit but for a reaſonable conſideration. So that whoever pretended to any place of profit or honour, was ſure to ſend a jewel, or other rich preſent, beforehand, to prepare her mind for the entertainment of his petition. And to what other purpoſe was it that ſhe kept her offices ſo long vacant, but to give more perſons an opportunity of winning a preference in her favour. Which, for the moſt part, inclined to thoſe who had appeared, in this interval, to deſerve it beſt. Nay, the ſlighteſt diſguſt, which ſhe frequently took on very frivolous occaſions, could not be got over but by the reconciling means of ſome valuable or well-fancied preſent. And, what was moſt grievous, ſhe ſometimes accepted the preſent without remitting the offence.

I remember a very ridiculous inſtance of this ſort. When the lady *Leiceſter* wanted to obtain the pardon of her unfortunate ſon, the lord *Eſſex*, ſhe preſented the queen with an exceeding rich gown to the value of above one hundred pounds. She was well pleaſed with the gift, but thought no more of the pardon. We need not, after this, wonder at what is ſaid of her majeſty's leaving a prodigious quantity of jewels and plate behind her, and even a *crouded ward-robe*. For ſo prevalent was this thrifty humour in the queen's highneſs, that ſhe could not perſuade herſelf to

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part with ſo much as a caſt-gown to any of her ſervants *.

* Perhaps they had no need of ſuch favours. It ſeems as if they had provided for themſelves another way. One of her ladies, the lady EDMONDES, had been applied to for her intereſt with the queen in a certain affair of no great moment, then depending in the court of chancery. The perſon, commiſſioned to tranſact this matter with her ladyſhip, had offered her 100 *l.* which ſhe treated *as too ſmall a ſum*. The relater of this fact adds — "The ruſſianary of cauſes I am daily more and more acquainted with, and ſee the manner of dealing, which cometh of the queen's *ſtraitneſs* to give theſe women, whereby they preſume thus to grange and truck cauſes." See a letter in MEM. of Q. ELIZABETH, by Dr. *Birch*, vol. i. p. 354. But this 100 *l.* as the virtuous lady *Edmondes* ſays, was *a ſmall ſum*. It appears, that biſhop FLETCHER, on his tranſlation to *London*, "Beſtowed, in allowances and gratifications to divers attendants [indeed we are not expreſsly told, they were *female*] about her majeſty, the ſum of 3100 *l.* which money was given by him, for the moſt part of it, *by her majeſty's direction and ſpecial appointment*." MEM. vol. ii. p. 113. And the curioſity is to find this minute of epiſcopal *gratifications* in a petition preſented to the queen herſelf, "To move her majeſty in commiſeration towards the orphans of this biſhop." ——However, to do the ladies juſtice, the contagion of bribery was ſo general in that reign, that the greateſt men in the court were infected by it. The lord keeper PUCKERING, it ſeems, had a finger in the affair of the 100 *l.* nay, himſelf ſpeaks to the lady to get him commanded by the queen to favour the ſuit. And we are told, that Sir *W. Raleigh* had no leſs than 10,000 *l.* for his intereſt with the queen on a certain occaſion, after having been invited to this ſervice by the fineſt letter that ever was written.——Indeed it is not ſaid how much of this ſecret ſervice money went *in allowances and gratificatiions to the attendants about the queen's majeſty*, vol. ii. p. 497. After all, the editor pretends only to relate theſe facts juſt as he found them. For, whether they are to be accounted for

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You allow yourſelf to be very gay, replied Dr. *Arbuthnot*, on this foible of the great queen. But one thing you forget, that it never biaſſed her judgment ſo far as to prevent a fit choice of her ſervants on all occaſions *. And, as to her wary management of the public revenue, which you take a pleaſure to exaggerate, this, methinks, is a venial fault in a prince who could not, in her circumſtances, have provided for the expences of government, but by the niceſt and moſt attentive œconomy.

I underſtand, replied Mr. *Addiſon*, the full force of that conſideration, and believe it was that *attention* principally, which occaſioned the popularity of her government, and the high eſteem in which the wiſdom of her adminiſtration is held to this day. The bulk of her ſubjects were, no doubt, highly pleaſed to find themſelves ſpared on all occaſions of expence. And it ſerved, at the ſame time, to gratify their natural en-

from *the ſtraitneſs* of the queen, as is here inſinuated---from the influence of her own example---or the diſpoſition of the parties themſelves---this is a point which he does not take upon himſelf to determine.

* This conſideration hath its weight. And it is but fit that a great man of thoſe times ſhould take the full benefit of it. The truth is, the lord *Bacon* made this very excuſe for his bribery; as he had learnt, perhaps, the trade itſelf from his royal miſtreſs. It was a rule with this great chancellor, "Not to ſell injuſtice, but never to let juſtice go ſcot free."

vy of the great, to find that *their* fortunes were firſt and principally ſacrificed to the public ſervice. Nay, I am not ſure that the very rapacity of her nature, in the ſale of her offices, was any objection with the people at large, or even the lower gentry of the kingdom. For theſe, having no pretenſions themſelves to thoſe offices, would be well enough pleaſed to ſee them, not *beſtowed* on their betters, but dearly purchaſed by them. And then this traffick at court furniſhed the inferior gentry with a pretence for making the moſt of their magiſtracies. This practice, at leaſt, muſt have been very notorious amongſt them, when a facetious member of the lower houſe could define a juſtice of peace to be, "A living creature, that, for half a dozen of chickens, will diſpenſe with a whole dozen of penal ſtatutes *." But however this be, the queen's ends, in every view, were abundantly anſwered. She enriched herſelf: ſhe gained the affections of the people, and depreſſed and weakened the nobility. And by all theſe ways ſhe effectually provided for, what ſhe had ever moſt at heart, her own abſolute and uncontrolled authority.

* I find this particular in *Hiſt. Collections*, by *H. Townſhend*, Eſq. p. 268, *Lond.* 1680. The lord keeper too, in a ſpeech in the ſtar-chamber, confirms this charge on the country juſtices, "The thirſt, ſays he, after this authority, proceedeth from nothing but an ambitious humour of gaining of reputation amongſt their neighbours; that, ſtill when they come home, *they may be preſented with preſents.*" ibid. p. 355.

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And is that to be wondered at in a great prince, returned Dr. *Arbuthnot?* or, to take the matter in the light you place it, what if the queen had ſo much of her ſex * and family in her diſpoſition, as to like well enough to have her own way, is this ſuch a crime as you would make of it? if ſhe loved power, it was not to make a wanton or oppreſſive uſe of it. And if all princes knew as well to bound their own wills, as ſhe did, we ſhould not much complain of their impatience to be under the control of their ſubjects.

I am ſorry, ſaid Mr. *Addiſon*, that the acts of her reign will not allow me to come into this opinion of her moderation. On the other hand, her government appears to me, in many inſtances, OPPRESSIVE and highly prejudicial to the ancient rights and privileges of her people. For what other conſtruction can we make of her frequent interpoſition to reſtrain the counſels of their repreſentatives in parliament; threatening ſome,

* When the queen declared to Sir *James Melvil* her reſolution of virginity, "I know the truth of that, madam, (ſaid he) you need not tell it me. Your majeſty thinks if you were married, you would be but queen of *England*; and now you are both king and queen. *I know your ſpirit cannot endure a commander.*" MEM. p. 49. This was frank. But Sir *James Melvil* was too well ſeen in courts to have uſed this language, if he had not underſtood it would be welcome. Accordingly, the queen's highneſs did not ſeem diſpleaſed with the imputation.

impriſoning others, and ſilencing all with the thunder of her prerogative? or, when ſhe had ſuffered their counſels to ripen into bills, what ſhall we ſay of her high and mighty rejection of them, and that not in ſingle and extraordinary caſes, but in matters of ordinary courſe, and by dozens? I paſs by other inſtances. But was her *moderation* ſeen in dilapidating the revenues of the church? of that church, which ſhe took under the wing of her ſupremacy, and would be thought to have ſheltered from all its enemies *? The honeſt archbiſhop *Parker*, I have heard, ventured to remonſtrate againſt this abuſe, the

* It is certain, this was a common topic of complaint againſt the queen, or at leaſt againſt her miniſters. Which gave occaſion to that reproof of the poet *Spenſer*, which the perſons concerned could hardly look upon as very decent,

"Scarce can a biſhoprick forepaſs them bye,
But that it muſt be gelt in privity."

Mother HUBBARD'S *Tale.*

But a biſhop of that time carries the charge ſtill further. In one of his ſermons at court before the queen, "Parſonages and vicarages, ſays he, ſeldom paſs now-a-days from the patron, but either for the leaſe or the preſent money. Such merchants are broken into the church of God, a great deal more intolerable than were they, whom *Chriſt* whipped out of the temple."—This language is very harſh, and ſurely not deſerved by the proteſtant patrons of thoſe days, who were only, as we may ſuppoſe, for reducing the church of *Chriſt* to its pure and primitive ſtate of indigence and ſuffering. How edifying is it to hear St. *Paul* ſpeak of his being—*In hunger and thirſt, in faſtings often, in cold and nakedneſs!*" And how perfectly reformed would our church be, if its miniſters were but once more in this bleſſed apoſtolical condition!

cognizance of which came so directly within his province. But to what effect, may be gathered, not only from the continuance of these depredations, but her severe reprehension of another of her bishops, whom she threatened with an oath to UNFROCK—that was her majesty's own word—if he did not immediately give way to her princely extortions.

It may be hardly worth while to take notice of smaller matters. But who does not resent her capricious tyranny in disgracing such of her servants as presumed to deviate, on any pretence, from her good pleasure; nay, such as gave an implicit obedience to her will, if it stood with her interest to disgrace them? Something, I know, may be said to excuse the proceedings against the queen of *Scots*. But the fate of DAVISON will reflect eternal dishonour on the policy with which that measure was conducted.

I run over these things hastily, continued Mr. *Addison*, and in no great order, but you will see what to conclude from these hints; which, taken together, I believe, may furnish a proper answer to the most considerable parts of your apology.

To sum it up in few words. Those two great events of her time, THE ESTABLISHMENT OF THE REFORMATION, and THE TRIUMPH OVER THE

POWER OF SPAIN, caſt an uncommon luſtre on the reign of *Elizabeth*. Poſterity, dazzled with theſe obvious ſucceſſes, went into an exceſſive admiration of her perſonal virtues. And what has ſerved to brighten them the more, is the place in which we chance to find her, between the bigot queen on the one hand, and the pedant king on the other. No wonder then that, on the firſt glance, her government appear able and even glorious. Yet in looking into particulars, we find, that much is to be attributed to fortune, as well as ſkill; and that her glory is even leſſened by conſiderations, which, on a careleſs view, may ſeem to augment it. The difficulties ſhe had to encounter, were great. Yet theſe very difficulties, of themſelves, created the proper means to ſurmount them. They ſharpened the wits, inflamed the ſpirits, and united the affections of a whole people. The name of her great enemy on the continent, at that time, carried terror with it. Yet, his power was, in reality, much leſs than it appeared. The *Spaniſh* empire was corrupt and weak, and tottered under its own weight. But this was a ſecret even to the *Spaniard* himſelf. In the mean time, the confidence, which the opinion of great ſtrength inſpires, was a favourable circumſtance. It occaſioned a remiſſneſs and neglect of counſel on one ſide, in proportion as it raiſed the utmoſt vigilance and circumſpection on the other. But this was not all. The religious feuds in the low countries—the civil wars in

France

France—the diſtractions of *Scotland*—all concurred to advance the fortunes of *Elizabeth*. Yet all had, perhaps, been too little in that grand criſis of her fate, and, as it fell out, of her glory, if the conſpiring elements themſelves had not fought for her.

Such is the natural account of her foreign triumphs. Her domeſtic ſucceſſes admit as eaſy a ſolution. Thoſe external dangers themſelves, the genius of the time, the ſtate of religious parties, nay, the very factions of her court, all of them directly, or by the ſlighteſt application of her policy, adminiſtered to her greatneſs. Such was the condition of the times, that it forced her to aſſume the ſemblance, at leaſt, of ſome popular *virtues*: and ſo ſingular her fortune, that her very *vices* became as reſpectable, perhaps more uſeful to her reputation, than her virtues. She was vigilant in her counſels; careful in the choice of her ſervants; courteous and condeſcending to her ſubjects. She appeared to have an extreme tenderneſs for the intereſts, and an extreme zeal for the honour of the nation. This was the bright ſide of her character; and it ſhone the brighter from the conſtant and imminent dangers to which ſhe was expoſed. On the other hand, ſhe was choleric, and imperious; jealous, timid, and avaricious; oppreſſive, as far as ſhe durſt; in many caſes capricious, in ſome tyrannical. Yet theſe vices, ſome of them ſharpened and re-

fined her policy, and the reſt operating chiefly towards her courtiers and dependents, ſtrengthened her authority, and rooted her more firmly in the hearts of the people. The mingled ſplendor of theſe qualities, good and bad (for even her worſt had the luck, when ſeen but on one ſide, or in well-diſpoſed lights, to look like good ones) ſo far dazzled the eyes of all, that they did not, or would not, ſee many outrageous acts of tyranny and oppreſſion.

And thus it hath come to paſs that, with ſome ability, more cunning, and little real virtue, the name of *Elizabeth* is, by the concurrence of many accidental cauſes, become the moſt revered of any in the long roll of our princes. How little ſhe merited this honour, may appear from this ſlight ſketch of her character and government. Yet, when all proper abatement is made in both, I will not deny her to have been a great, that is, a *fortunate* queen; in this, perhaps, the moſt fortunate that ſhe has attained to ſo unrivalled a glory with ſo few pretenſions to deſerve it.

And ſo, replied Dr. *Arbuthnot*, you have concluded your invective in full form, and rounded it, as the ancient orators uſed to do, with all the advantage of a peroration. But ſetting aſide this trick of eloquence, which is apt indeed to confound a plain man, unuſed to ſuch artifices, I ſee not but you have left the argument much as you took it up; and that I may ſtill have leave to retain

tain my former reverence for the good old times of queen *Elizabeth*. It is true, she had some foibles. You have spared, I believe, none of them. But, to make amends for these defects, let but the history of her reign speak for her, I mean in its own artless language, neither corrupted by flattery, nor tortured by invidious glosses; and we must ever conceive of her, I will not say as the most faultless, perhaps not the most virtuous, but surely the most able, and, from the splendor of some leading qualities, the most glorious of our *English* monarchs.

To give you my notion of her in few words. —For the dispute, I find, must end, as most others usually do, in the simple representation of our own notions—She was discreet, frugal, provident, and sagacious: intent on the pursuit of her great ends, *the establishment of religion*, and *the security and honour of her people:* prudent in the choice of the best *means* to effect them, the employment of able servants, and the management of the public revenue: dextrous at improving all advantages which her own wisdom, or the circumstances of the times gave her: fearless and intrepid in the execution of great designs, yet careful to unite the deepest foresight with her magnanimity. If she seemed AVARICIOUS, let it be considered that the nicest frugality was but necessary in her situation: if IMPERIOUS, that a female government needed to be made respecta-

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ble by a ſhew of authority: and if at any time OPPRESSIVE, that the *Engliſh* conſtitution, as it then ſtood, as well as her own nature, had a good deal of that bias.

In a word, let it be remembered, that ſhe had the honour of ruling *, perhaps of forming, the wiſeſt, the braveſt, the moſt virtuous people, that have adorned any age or country; and that ſhe advanced the glory of the *Engliſh* name, and that of her own dignity, to a height which has no parallel in the annals of our nation.

Mr. *Digby*, who had been very attentive to the courſe of this debate, was a little diſappointed with the concluſion of it. He had thought to have ſettled his judgment of this reign by the information his two friends ſhould afford him. But he found himſelf rather perplexed by their altercations, than convinced by them. He owned, however, the pleaſure they had given him; and ſaid, he had profited ſo much at leaſt by the occaſion that, for the future, he ſhould conceive with ſomething leſs reverence of the great queen,

* It was this circumſtance that ſeemed to weigh moſt with the lord chancellor BACON; who, in his ſhort tract, *In felicem memoriam Elizabethæ*, ſaith, "Illud cogitandum cenſeo, in quali populo imperium tenuerit: ſi enim in Palmyrenis, aut Aſiâ imbelli et molli regnum ſortita eſſet, minùs mirandum fuiſſet — verum in ANGLIA, *natione ferociſſimâ et bellicoſiſſimâ*, omnia ex nutu fœminæ moveri et cohiberi potuiſſe, SUMMAM MERITO ADMIRATIONEM HABET.

and ſhould proceed with leſs prejudice to form his opinion of her character and adminiſtration.

Mr. *Addiſon* did not appear quite ſatisfied with this ſceptical concluſion; and was going to enforce ſome things which he thought had been touched too ſlightly *, when Dr. *Arbuthnot* took notice that their walk was now at an end; the path, they had taken, having by this time brought them round again to the walls of the caſtle. Beſides, he ſaid, he found himſelf much wearied with this exerciſe, though the warmth of debate, and the opportunities he took of reſting himſelf at times, had kept him from complaining of it. He propoſed therefore getting into the coach as ſoon as poſſible; where, though the

* In concluſion, I muſt be ſo juſt to own, that if any thing could ſhake the authenticity of theſe dialogues, *on the age of Elizabeth*, it is, "That Mr. *Addiſon*, who all along takes ſuch liberties with the queen's character and government, finds occaſion to ſpeak, very differently, of both, in his *Freeholder*, publiſhed in the beginning of this very year."

But the judicious reader will obſerve, that the *Freeholder* was a party paper, written with a view to the ſtate of the nation at that time; and that therefore his panegyrics on *Elizabeth* are to be taken only as popular topics, or, as they ſay, arguments *ad hominem*, that is, to the tories, who idolized her memory, and whom it was his purpoſe to convince or gain upon in that political work.—What he thought fit to ſay, therefore, in compliance with their prejudices, is very conſiſtent with the real ſentiments we find him delivering in theſe converſations.

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converſation was in ſome ſort reſumed, there was nothing material enough advanced, on either ſide, to make it neceſſary for me to continue this recital any further.

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DIALOGUE V.

ON THE CONSTITUTION OF THE ENGLISH GOVERNMENT.

Sir JOHN MAYNARD, Mr. SOMERS, Biſhop BURNET.

Written in the Year 1689.

Tum GENITOR, veterum volvens monumenta virorum,
Audite, ô Proceres, ait, et ſpes diſcite veſtras. VIRG.

DIALOGUE V.

Sir JOHN MAYNARD, Mr. SOMERS, Biſhop BURNET*.

To Dr. TILLOTSON.

THOUGH the principles of nature, and common ſenſe, do fully authorize reſiſtance to the civil magiſtrate in extreme caſes, and, of courſe, juſtify the late revolution to every candid and diſpaſſionate man; yet I am ſenſible, my excellent friend, there are many prejudices which hinder the glorious proceedings in that affair from being ſeen in their true light. The principal of them, indeed, are founded on falſe ſyſtems of policy,

* Though the manuſcript, from which the following dialogues are printed, be certainly not in biſhop *Burnet's* own hand, there are all the marks in the world, even to the defect of the compoſition, of their having been written by that prelate.—The ſubject is ſo much above the editor's abilities to comment upon, that he preſumes only to point here and there to an authority, which he hath caſually picked up, in ſupport of ſome of the more remarkable things, advanced in the courſe of the converſation.

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and those tied down on the consciences of men by wrong notions of religion. And such as these, no doubt, through the experience of a better government, and a juster turn of thinking, which may be expected to prevail in our times, will gradually fall away of themselves. But there is another set of notions on this subject, not so easy to be discredited, and which are likely to keep their hold on the minds even of the more sober and considerate sort of men. For whatever advantage the cause of liberty may receive from general reasonings on the origin and nature of civil government, the greater part of our countrymen will consider, and perhaps rightly, the enquiry into the constitution of their *own* government, as a question of FACT; that must be tried by authorities and precedents only; and decided at last by the evidence of historical testimony, not by the conclusions of philosophy or political speculation.

Now, though we are agreed that this way of managing the controversy must, when fully and fairly pursued, be much in favour of the new settlement, yet neither, I think, is it for every man's handling, nor is the evidence resulting from it of a nature to compel our assent. The argument is formed on a vast variety of particulars, to be collected only from a large and intimate acquaintance with the antiquities, laws, and usages of the kingdom. Our printed histo-

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ries are not only very ſhort and imperfect; but the original records, which the curious have in their poſſeſſion, are either ſo obſcure or ſo ſcanty, that a willing adverſary hath always in readineſs ſome objection, or ſome cavil at leaſt, to oppoſe to the evidence that may be drawn from them. Beſides, appearances, even in the plaineſt and moſt unqueſtioned parts of our hiſtory, are ſometimes ſo contradictory; ariſing either from the tyranny of the prince, the neglect of the people, or ſome other circumſtance of the times; and, to crown all, the queſtion itſelf hath been ſo involved, by the diſputations of prejudiced and deſigning men, that the more intelligent enquirer is almoſt at a loſs to determine for himſelf, on which ſide the force of evidence lies.

On this account I have frequently thought with myſelf, that a right good CONSTITUTIONAL HISTORY of *England* would be the nobleſt ſervice that any man, duly qualified for the execution of ſuch a work, could render to his country. For though, as I ſaid, the ſubject be obſcure in itſelf, and perplexed by the ſubtilties which contending parties have invented for the ſupport of their ſeveral ſchemes, yet, from all I have been able to obſerve from the courſe of my own reading, or converſation, there is little doubt but that the form of the *Engliſh* government hath, at all times, been FREE. So that if ſuch a hiſtory were drawn up, with ſufficient care, out of our

authentic papers and public monuments, it would not only be matter of entertainment to the curious, but the greateſt ſecurity to every *Engliſh-man* of his religious and civil rights. For what can be conceived, more likely to preſerve and perpetuate theſe rights, than the ſtanding evidence which ſuch a work would afford, of the genuin ſpirit and temper of the conſtitution? of the principles of freedom *, on which it was formed, and on which it hath been continually and uniformly conducted? Our youth, who at preſent amuſe themſelves with little more than the military part of our annals, would then have an eaſy opportunity of ſeeing to the bottom of all our civil and domeſtic broils. They would know on what pretences the PREROGATIVE of our kings hath ſometimes aſpired to exalt itſelf above

* Theſe *principles*, as appears from what follows, are thoſe of the feudal law. And, to ſee how much in earneſt the biſhop was in recommending this ſtudy to the *Engliſh* youth, it was upon theſe very principles that he explained the conſtitution of the *Engliſh* government to his royal pupil. This we learn from his own words—ſpeaking of the duke of *Glouceſter*, "I acquainted him, ſays he, with all the great revolutions that had been in the world, and gave him a copious account of the *Greek* and *Roman* hiſtories, and of *Plutarch's* lives: the laſt thing I explained to him was the Gothic conſtitution, and the BENEFICIARY AND FEUDAL LAWS."—[HIST. *of his own times*, vol. iv. p. 357. *Eding.* 1753.] Without doubt the biſhop's inſtructions on the laſt head were taken from this very converſation of Sir *J. Maynard*; which raiſes one's idea of it very much, and will induce the reader to conſider it, not ſo much in the light of a private debate, as of a royal lecture.

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controul; and would learn to revere the magnanimity of their forefathers, who as constantly succeeded in their endeavours to reduce it within the ancient limits and boundaries of the LAW. In a word, they would no longer rest on the surface and outside, as it were, of the *English* affairs, but would penetrate the interior parts of our constitution; and furnish themselves with a competent degree of civil and political wisdom; the most solid fruit that can be gathered from the knowledge and experience of past times.

And I am ready to think that such a provision, as this, for the instruction of the *English* youth, may be the more requisite, on account of that limited, yet awful form of government under which we live. For, besides the name, and other ensigns of majesty, in common with those who wear the most despotic crowns, the whole execution of our laws, and the active part of government, is in the hands of the prince. And this pre-eminence gives him so respectable a figure in the eyes of his subjects, and presents him so constantly, and with such lustre of authority to their minds, that it is no wonder they are sometimes disposed to advance him from the rank of first magistrate of a free people, into that of supreme and sole arbiter of the laws.

So that, unless these prejudices are corrected by the knowledge of our constitutional history, there is constant reason to apprehend,

not only that the royal authority may ſtretch itſelf beyond due bounds; but may grow, at length, into that enormous tyranny, from which this nation hath been at other times ſo happily, and now of late ſo wonderfully redeemed.

But I ſuffer myſelf to be carried by theſe reflexions much further than I deſigned. I would only ſay to you, that, having ſometimes reflected very ſeriouſly on this ſubject, it was with the higheſt pleaſure I heard it diſcourſed of the other day, by two of the moſt accompliſhed lawyers of our age: the venerable Sir JOHN MAYNARD, who, for a long courſe of years, hath maintained the full credit and dignity of his profeſſion; and Mr. SOMERS, who, though a young man, is riſing a-pace, and with proportionable merits, into all the honours of it.

I was very attentive, as you may ſuppoſe, to the progreſs of this remarkable converſation; and, as I had the honour to bear a full ſhare in it myſelf, I may the rather undertake to give you a particular account of it. I know the pleaſure you will have in ſeeing a ſubject, you have much at heart, and which we have frequently talked over in the late times, thoroughly canvaſſed, and cleared up, as I think it muſt be, to your entire ſatisfaction.

It was within a day or two after that great event, ſo pleaſing to all true *Engliſhmen*, THE CORONATION OF THEIR MAJESTIES *, that Mr.

* On *April* 11, p. 180. 1689. *Somers*

Somers and I went, as we ſometimes uſed, to paſs an evening with our excellent friend, my Lord Commiſſioner †. I ſhall not need to attempt his character to you, who know him ſo well. It is enough to ſay, that his faculties and ſpirits are, even in this maturity of age, in great vigour. And it ſeems as if this joyful revolution, ſo agreeable to his hopes and principles, had given a freſh ſpring and elaſticity to both.

The converſation, of courſe, turned on the late auguſt ceremony; the mention of which awakened a ſort of rapture in the good old man, which made him overflow in his meditations upon it. Seeing us in admiration of the zeal, which tranſported him, "Bear with me, ſaid he, my young friends. Age, you know, hath its privilege. And it may be, I uſe it ſomewhat unreaſonably. But I, who have ſeen the prize of liberty contending for through half a century, to find it obtained at laſt by a method ſo ſure, and yet ſo unexpected, do you think it poſſible that I ſhould contain myſelf on ſuch an occaſion? Oh, if ye had lived with me in thoſe days, when ſuch mighty ſtruggles were made for public freedom, when ſo many wiſe counſels miſcarried, and ſo many generous enterprizes concluded but in the confirmation of lawleſs tyranny;

† Of the great ſeal---The other lawyers in commiſſion were KECK and RAWLINSON.

if, I say, ye had lived in those days, and now at length were able to contrast with me, to the tragedies that were then acted, this safe, this bloodless, this complete deliverance; I am mistaken, if the youngest of you could reprove me for this joy, which makes me think I can never say enough on so delightful a subject.

Bp. BURNET.

Reprove you, my lord? alas, we are neither of us so unexperienced in what hath passed of late in these kingdoms, as not to rejoice with you to the utmost for this astonishing deliverance. You know, I might boast of being among the first that wished for, I will not say projected, the measures by which it hath been accomplished. And for Mr. *Somers*, the church of *England* will tell—

Mr. SOMERS.

I confess my warmest wishes have ever gone along with those who conducted this noble enterprize. And I pretend to as sincere a pleasure, as any man, in the completion of it. Yet if it were not unreasonable at such a time, I might be tempted to mention one circumstance which, I know not how, a little abates the joy of these triumphant gratulations.

Sir J. MAYNARD.

Is not the settlement then to your mind? or hath any precaution been neglected which you think

think neceſſary for the more effectual ſecurity of our liberties?

Mr. SOMERS.

Not that. I think the proviſion for the people's rights as ample as needs be deſired. Or, if any further reſtrictions on the crown be thought proper, it will now be eaſy for the people, in a regular parliamentary way, to effect it. What I mean is, a conſideration of much more importance.

Bp. BURNET.

The pretended prince of *Wales*, you think, will be raiſing ſome diſturbance, or alarm at leaſt, to the new government. I believe, I may take upon me to give you perfect ſatisfaction upon that ſubject *.

Mr. SOMERS.

Still your conjectures fall ſhort or wide of my meaning. Our new MAGNA CHARTA, as I love to call the *declaration of rights*, ſeems a ſufficient barrier againſt any future encroachments of the CROWN. And I think the pretended prince of *Wales*, whatever be determined of his birth, a mere phantom; that may amuſe, and perhaps diſquiet, the weaker ſort for a while, but, if left

* This indeed was a favourite ſubject with our good biſhop, and how qualified he was to diſcuſs it, even in its minuteſt particularities, may be learnt from his hiſtory, at large.

to itſelf*, will ſoon vaniſh out of the minds of the PEOPLE. Not but I allow that even ſo thin a pretence as this, may, ſome time or other, be conjured up to diſturb the government. But it muſt be, when a certain ſet of principles are called in aid to ſupport it. And, to ſave you the further trouble of gueſſing, I ſhall freely tell you, what thoſe *principles* are.—You will ſee, in them, the ground of my preſent fears and apprehenſions.

It might be imagined, that ſo neceſſary a revolution, as that which hath now taken place, would ſufficiently approve itſelf to all reaſonable men. And it appears, in fact, to have done ſo, now that the public injuries are freſh, and the want of ſome immediate relief from them, felt by the ſubject. But (as it happens in ſuch caſes) when the evil is removed, it is very eaſily forgotten. And in matters of government, which depend ſo much, or rather, which depend ſo entirely on *opinion*, when the grievance is out of mind, the falſe ſyſtem returns, and ſometimes with redoubled force, which had given birth to it.

Bp. BURNET.

One can readily admit theſe principles. But the concluſion you propoſe to draw from them—

* It was not thus *left to itſelf*, but was nurſed and foſtered with great care by the preachers up of *divine indefeaſible hereditary right*, in this and the following reign.

Mr.

Mr. SOMERS.

This very important one, "That, if the late change of government was brought about, and can be defended only, on the principles of liberty, the ſettlement, introduced by it, can be thought ſecure no longer than while thoſe principles are rightly underſtood, and generally admitted."

Bp. BURNET.

But what reaſon is there to apprehend that theſe principles, ſo commonly profeſſed and publicly avowed, will not continue to be kept up in full vigour.

Mr. SOMERS.

Becauſe, I doubt, they are ſo commonly and publicly avowed, only to ſerve a preſent turn, and not becauſe they come from the heart, or are entertained on any juſt ground of conviction.

Bp. BURNET.

Very likely. And conſidering the pains that have been taken to poſſeſs the minds of men with other notions of government, the wonder is, how they came to be entertained at all. Yet ſurely the experience of better times may be expected to do much. Men will of courſe think more juſtly on theſe ſubjects, in proportion as they find themſelves more happy. And thus the principles, which, as you ſay, were firſt pretended to

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out of neceſſity, will be followed out of choice, and bound upon them by the concluſions of their own reaſon.

Mr. Somers.

I wiſh your lordſhip be not too ſanguin in theſe expectations. It is not to be conceived how inſenſible the people are to the bleſſings they enjoy, and how eaſily they forget their paſt miſeries. So that if their principles have not taken deep root, I would not anſwer for their continuing much longer than it ſerved their purpoſe to make a ſhew of them.

Sir J. Maynard.

I muſt confeſs, that all my experience of mankind inclines me to this opinion. I could relate to you ſome ſtrange inſtances of the ſort Mr. *Somers* hints at. But after all, Sir, you do not indulge theſe apprehenſions on the general ficklenes of human nature. You have ſome more particular reaſons for concluding that the ſyſtem of liberty, which hath worked ſuch wonders of late, is not likely to maintain its ground amongſt us.

Mr. Somers.

I have: and I was going to explain thoſe reaſons, if my lord of *Saliſbury* had not a little diverted me from the purſuit of them.

It is very notorious, from the common diſcourſe of men, even on this great occaſion, (and I wiſh

I wiſh it had not appeared too evidently in the debates of the two houſes) that very many of us have but crude notions of the form of government, under which we live, and which hath been tranſmitted to us from our forefathers. I have met with perſons of no mean rank, and well ſeen in the hiſtory of the kingdom, who ſpeak a very ſtrange language. They allow, indeed, that ſomething was to be done in the perilous circumſtances, into which we had fallen. But when they come to explain themſelves, it is in a way that leaves us no *right* to do any thing; at leaſt, not what it was found expedient for the nation to do at this juncture. For "they contend in ſo many words, that the crown of *England* is *abſolute*; that the form of government is an *entire and ſimple monarchy*; and that ſo it hath continued to be in every period of it down to the abdication: that the CONQUEST, at leaſt, to aſcend no higher, inveſted the FIRST WILLIAM in abſolute dominion; that from him it devolved of courſe upon his ſucceſſors; and that all the pretended rights of the people, the GREAT CHARTERS of ancient and modern date, were mere uſurpations on the prince, extorted from him by the neceſſity of his affairs, and revocable at his pleaſure: nay, they inſinuate that parliaments themſelves were the creatures of his will; that their privileges were all derived from the ſovereign's grant; and that they made no part in the

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original frame and texture of the *Engliſh* government.

"In ſupport of this extraordinary ſyſtem, they refer us to the conſtant tenor of our hiſtory. They ſpeak of the conqueror, as proprietary of the whole kingdom; which accordingly, they ſay, he parcelled out, as he ſaw fit, in grants to his *Norman* and *Engliſh* ſubjects: that, through his partial conſideration of the church, and an exceſſive liberality to his favoured ſervants, this diſtribution was ſo ill made as to give occaſion to all the broils and contentions that followed: that the church-men began their unnatural claim of independency on the crown; in which attempt they were ſoon followed by the encroaching and too powerful barons: that in theſe ſtruggles many flowers of the crown were rudely torn from it, till a ſort of truce was made, and the rebellious humour ſomewhat compoſed by the extorted articles of RUNNING-MEDE: that theſe confuſions, however, were afterwards renewed, and even encreaſed by the conteſts of the two houſes of *York* and *Lancaſter:* but that, upon the union of the roſes in the perſon of *Henry* VII. theſe commotions were finally appeaſed, and the crown reſtored to its ancient dignity and luſtre: that, indeed, the uſage of parliaments, with ſome other forms of popular adminiſtration, which had been permitted in the former irregular reigns, was continued,

tinued, but of the mere grace of the prince, and without any conſequence to his prerogative: that ſucceeding kings, and even HENRY himſelf, conſidered themſelves as poſſeſſed of an imperial crown; and that, though they might ſometimes condeſcend to take the advice, they were abſolutely above the controul of the people; in ſhort, that the law itſelf was but the will of the prince declared in parliament; or rather ſolemnly received and atteſted there, for the better information and more entire obedience of the ſubject.

This they deliver as a juſt and fair acccount of the *Engliſh* government; the genius of which, they ſay, is abſolute and monarchical in the higheſt degree; as much ſo, at leaſt, as that of any other ſovereignty in *Europe*. They aſk, with an air of inſult, what reſtraint our *Henry* VIII. and our admired *Elizabeth* would ever ſuffer to be put on their prerogative; and they mention, with deriſion, the fancy of dating the high pretenſions of the crown from the acceſſion of the STUART family. They affirm that JAMES I. and his ſon, aimed only to continue the government on the footing on which they had received it; that their notions of it were authoriſed by conſtant fact; by the evidence of our hiſtories; by the language of parliaments; by the concurrent ſenſe of every order of men amongſt us: and that what followed in the middle of this century was the mere effect of POPULAR, as many former diſ-

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orders had been of PATRICIAN violence. In a word, they conclude with ſaying, that the old government revived again at the RESTORATION, juſt as, in like circumſtances, it had done before, at the UNION of the two houſes: that, in truth, the voluntary deſertion of the late king had given a colour to the innovations of the preſent year; but that, till this new ſettlement was made, the *Engliſh* conſtitution, as implying ſomething different from pure monarchy, was an unintelligible notion, or rather a mere whymſy that had not the the leaſt foundation in truth or hiſtory."

This is a ſummary of the doctrines, which, I doubt, are too current amongſt us. I don't ſpeak of the bigotted adherents to the late king; but of many cooler and more diſintereſted men, whoſe *religious* principles, as I ſuppoſe, (for it appears it could not be their *political*) had engaged them to concur in the new ſettlement. You will judge, then, if there be not reaſon to apprehend much miſchief from the prevalence and propagation of ſuch a ſyſtem: a ſyſtem, which, as being in the language of the patrons of it, founded upon *fact*, is the more likely to impoſe upon the people; and, as referring to the practice of ancient times, is not for every man's confutation. I repeat it therefore, if this notion of the deſpotic form of our government become general, I tremble to think what effect

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it may hereafter produce on the minds of men; eſpecially when joined to that falſe tenderneſs, which the people of *England* are ſo apt to entertain for their princes, even the worſt of them, under misfortune. I might further obſerve, that this prerogative-ſyſtem hath a direct tendency to produce, as well as heighten, this compaſſion to the ſovereign. And I make no ſcruple to lay it before you with all its circumſtances, becauſe I know to whom I ſpeak, and that I could not have wiſhed for a better opportunity of hearing it confuted.

Bp. BURNET.

I muſt own, though I was ſomewhat unwilling to give way to ſuch melancholy apprehenſions at this time, I think, with Mr. SOMERS, there is but too much reaſon to entertain them. For my own part, I am apt to look no further for the *right* of the legiſlature to ſettle the government in their own way, than their own free votes and reſolutions. For, being uſed to conſider all political power as coming originally from the people, it ſeems to me but fitting that they ſhould diſpoſe of that power for their own uſe, in what hands, and under what conditions they pleaſe. Yet as much regard is due to eſtabliſhed forms and ancient preſcription, I think the matter of *fact* of great conſequence; and, if the people, in general, ſhould once conceive of it according to this repreſentation, I ſhould be very anxious

for

for the iſſue of ſo dangerous an opinion. I muſt needs, therefore, join very entirely with Mr. *Somers*, in wiſhing to hear the whole ſubject canvaſſed, or rather finally determined, as it muſt be, if Sir JOHN MAYNARD will do us the pleaſure to acquaint us what his ſentiments are upon it.

Sir J. MAYNARD.

Truly, my good friends, you have opened a very notable cauſe, and in good form. Only, methinks, a little leſs ſolemnity, if you had ſo pleaſed, might have better ſuited the occaſion. Why, I could almoſt laugh to hear you talk of fears and dangers from a phantom of your own raiſing. I certainly believe the common proverb belies us; and that old age is not that daſtardly thing it hath been repreſented. For, inſtead of being terrified by this conceit of a preſcriptive right in our ſovereigns to tyrannize over the ſubject, I am ready to think the contrary ſo evident from the conſtant courſe of our hiſtory, that the ſimpleſt of the people are in no hazard of falling into the deluſion. I ſhould rather have apprehended miſchief from other quarters; from the influence of certain ſpeculative points which have being too ſucceſsfully propagated of late; and chiefly from thoſe pernicious gloſſes which too many of my order have made on the letter of the law, and too many of yours, my lord of *Saliſbury*, on that of the goſpel. Truſt me, if the matter

matter once come to a queſtion of FACT, and the inquiry be only concerning ancient form and precedent, the deciſion will clearly be in our favour. And for yourſelves, I cannot doubt but this deciſion is already made. But ſince you are willing to put me upon this taſk, and we have leiſure enough for ſuch an amuſement, I ſhall very readily undertake it. And the rather, as I have more than once in my life had occaſion to go to the bottom of this inquiry, and now very lately have taken a pleaſure to reflect on the general evidence which hiſtory affords of our free conſtitution, and to review the ſcattered hints and paſſages I had formerly ſet down for my private ſatisfaction.

" I underſtand the queſtion to be, not under what *form* the government hath appeared at ſome particular conjunctures, but what we may conclude it to have been from the general current and tenor of our hiſtories. And more particularly ſtill, I conceive you would aſk, not whether the *adminiſtration* hath not, at ſome ſeaſons, been DESPOTIC, but whether the *genius* of the government hath not at all times been FREE. Or, if you do not think the terms, in which I propoſe the queſtion, ſtrict enough, you will do well to ſtate it in your own way, that hereafter we may have no diſpute about it.

Bp. BURNET.

I ſuppoſe, the queſtion, as here put, is determinate enough for our purpoſe.—Or, have you, Mr. SOMERS, any exceptions to make to it?

Mr. SOMERS.

I believe we underſtand each other perfectly well; the queſtion being only this, "Whether there be any ground in hiſtory to conclude that the prince hath a conſtitutional claim to abſolute uncontrolable dominion; or, whether the liberty of the ſubject be not eſſential to every different form, under which the *Engliſh* government hath appeared."

Sir J. MAYNARD.

You expect of me then to ſhew, in oppoſition to the ſcheme, juſt now delivered by you, that neither from the original conſtitution of the government, nor from the various forms (for they have, indeed, been various) under which it hath been adminiſtered, is there any reaſon to infer, that the *Engliſh* monarchy is, or of right ought to be, deſpotic and unlimited?

Now this I take to be the eaſieſt of all undertakings; ſo very eaſy, that I could truſt a plain man to determine the matter for himſelf by the light that offers itſelf to him from the ſlighteſt of our hiſtories. 'Tis true, the deeper his reſearches

go, his conviction will be the clearer; as any one may ſee by dipping into my friend NAT. BACON's diſcourſes; where our free conſtitution is ſet forth with that evidence as muſt for ever have ſilenced the patrons of the other ſide, if he had not allowed himſelf to ſtrain ſome things beyond what the truth, or indeed his cauſe required. But, ſaving to myſelf the benefit of his elaborate work, I think it ſufficient to take notice, that the ſyſtem of liberty is ſupported even by that ſhort ſketch of our hiſtory, which Mr. SOMERS hath laid before us; and in ſpite of the diſguiſes, with which, as he tells us, the enemies of liberty have endeavoured to cloke it.

You do not, I am ſure, expect from me, that I go back to the elder and more remote parts of our hiſtory; that I ſhould take upon me to inveſtigate the ſcheme of government which hath prevailed in this kingdom from the time that the *Roman* power departed from us; or that I ſhould even lay myſelf out in delineating, as many have done, the plan of the *Saxon* conſtitution: though ſuch an attempt might not be unpleaſing, nor altogether without its uſe, as the *principles* of the *Saxon* policy, and in ſome reſpects the *form* of it, have been conſtantly kept up in every ſucceeding period of the *Engliſh* monarchy. I content myſelf with obſerving, that the ſpirit of liberty was predominant in thoſe times: and for proof of it, appeal at preſent only to one ſingle circumſtance,

which you will think remarkable. Our *Saxon* anceſtors conceived ſo little of government, by the will of the magiſtrate, without fixed laws, that LAGA, or LEAGA, which in their language firſt and properly ſignified the ſame as LAW with us, was transferred * very naturally (for language always conforms itſelf to the genius, temper, and manners of a nation) to ſignify a country, diſtrict, or province; theſe good people having no notion of any inhabited country not governed by laws. Thus DÆNA-LAGA, MERCENA-LAGA, and WESTSEXENA-LAGA, were not only uſed in their laws and hiſtory to ſignify the *laws* of the *Danes*, *Mercians*, and *Weſt-Saxons*, but the *countries* likewiſe. Of which uſage I could produce

* This caſual remark of Sir *J. Maynard* ſeems to determine a famous diſpute that afterwards ſprung up among the antiquarians on the ſubject before us. Biſhop *Nicholſon* attended ſo little to this tralatitious uſe of words, in which all languages abound, that finding LAGA in ſeveral places ſignifying a *country*, he would needs have it that *Camden*, *Lambard*, *Spelman*, *Cowell*, *Selden*, and all our beſt antiquaries, were miſtaken, when they ſuppoſed *laga* ever ſignified, in the compoſitions here mentioned, a *law*. However, his adverſaries among the antiquarians were even with him; and finding that *laga*, in theſe compoſitions, did ſignify a law in ſeveral places of our ancient laws, hiſtorians, and lawyers, deny that it ever ſignifies a *country*. Each indeed had a conſiderable object in view; the one was bent on overthrowing a ſyſtem; the other on ſupporting it: namely, that famous threefold body of laws, the *Daniſh*, *Mercian*, and *Weſt-Saxon*. It muſt be owned, the biſhop could not overthrow the common ſyſtem, without running into his extreme: it ſeems his opponents might have ſupported it, without running into theirs.

to

to you many instances, if I did not presume that, for so small a matter as this, my mere word might be taken.

You see then how fully the spirit of liberty possessed the very language of our *Saxon* forefathers. And it might well do so; for it was of the essence of the *German* constitutions; a just notion of which (so uniform was the genius of the brave people that planned them) may be gathered, you know, from what the *Roman* historians, and, above all, from what *Tacitus* hath recorded of them.

But I forbear so common a topic: and, besides, I think myself acquitted of this task by the prudent method, which the defenders of the regal power have themselves taken in conducting this controversy. For, as conscious of the testimony which the *Saxon* times are ready to bear against them, they are wise enough to lay the foundation of their system in the CONQUEST. They look no higher than that event for the origin of the *constitution*, and think they have a notable advantage over us in deducing their notion of the *English* government from the form it took in the hands of the *Norman* invader. But is it not pleasant to hear these men calumniate the improvements that have been made from time to time in the plan of our civil constitution with the name of *usurpations*, when they are not ashamed to erect the *constitution* itself on what *they*

muſt eſteem, at leaſt, a great and manifeſt uſurpation?

Bp. BURNET.

Conqueſt, I ſuppoſe, in their opinion, gives *right*. And ſince an inquiry into the origin of a conſtitution requires that we fix *ſomewhere*, conſidering the vaſt alterations introduced by the conqueſt, and that we have never pretended to reject, but only to improve and complete the duke of NORMANDY's eſtabliſhment, I believe it may be as proper to ſet out from that æra as from any other.

Sir J. MAYNARD.

Your lordſhip does not imagine that I am about to excuſe myſelf from cloſing with them even on their own terms. I intended that queſtion only as a reproach to the perſons we have to deal with; who, when a ſucceſsful event makes, or but ſeems to make, for their idol of an abſolute monarchy, call it a regular eſtabliſhment: whereas a revolution brought about by the juſteſt means, if the cauſe of liberty receive an advantage by it, ſhall be reviled by the name of uſurpation. But let them employ what names they pleaſe, provided their facts are well grounded. We will allow them to dignify the *Norman* ſettlement with the title of CONSTITUTION. What follows? That *deſpotiſm* was of the eſſence of that conſtitution? So they tell us indeed; but without one word of proof,

proof, for the aſſertion. For what! do they think the name of conqueſt, or even the *thing*, implies an abſolute unlimited dominion? Have they forgot that *William's* claim to the crown, was not *conqueſt* (though it enabled him to ſupport his claim) but *teſtamentary ſucceſſion?* A title very much in the taſte of that time, and extremely reverenced by our *Saxon* anceſtors? That he even renounced his conqueſt by his coronation oath? That the legiſlative power continued the ſame in his hands, as in thoſe of his predeceſſors? And that, in one word, he confirmed the *Saxon* laws, at leaſt before he had been many years in poſſeſſion of his new dignity?

Is there any thing in all this that favours the notion of his erecting himſelf into an abſolute lord of the conquered country? Is it not certain, even from his own *Magna Charta*, as we may call it, that he bound himſelf to govern according to law; that he could neither touch the honours nor eſtates of his ſubjects but by legal trial; and that even the many forfeitures in his reign are an evidence of his proceeding in that method?

Still we are told "of his parcelling out the whole land, upon his own terms, to his followers;" and are inſulted "with his famous inſtitution of feudal tenures." But what if the *former* of theſe aſſertions be foreign to the purpoſe at

leaſt, if not falſe; and the *latter*, ſubverſive of the very ſyſtem it is brought to eſtabliſh? I think, I have reaſon for putting both theſe queſtions. For, what if he parcelled out moſt, or all, of the lands of *England* to his followers? The fact has been much diſputed. But be it, as they pretend, that the property of all the ſoil in the kingdom had changed hands. What is that to us, who claim under our *Norman*, as well as *Saxon*, anceſtors? For the queſtion, you ſee, is about the form of government ſettled in this nation at the time of the conqueſt. And they argue with us, from a ſuppoſed act of tyranny in the conqueror, in order to come at that ſettlement. The *Saxons*, methinks, might be injured, oppreſſed, enſlaved; and yet the conſtitution, tranſmitted to us through his own *Normans*, be perfectly free.

But their *other* allegation is ſtill more unfortunate. "He inſtituted, they ſay, the feudal law." True. But the feudal law, and abſolute dominion, are two things; and, what is more, perfectly incompatible.

I take upon me to ſay, that I ſhall make out this point in the cleareſt manner. In the mean time it may help us to underſtand the nature of the feudal eſtabliſhment, to conſider the practice of ſucceeding times. What that was, our adverſaries themſelves, if you pleaſe, ſhall inform us. Mr. *Somers* hath told their ſtory very fairly, which

which yet amounts only to this, "That, throughout the *Norman* and *Plantagenet* lines, there was one perpetual conteſt between the prince and his feudataries, for law and liberty:" an evident proof of the light in which our forefathers regarded the *Norman* conſtitution. In the competition of the two ROSES, and perhaps before, they loſt ſight indeed of this prize. But no ſooner was the public tranquillity reſtored, and the contending claims united in *Henry* VII. than the old ſpirit revived. A legal conſtitution became the conſtant object of the people, and though not always avowed, was, in effect, as conſtantly ſubmitted to by the ſovereign. It may be true, perhaps, that the ability of *one* prince *, the imperious carriage of *another* †, and the generous intrigues of a *third* ‡; but above all, the condition of the times, and a ſenſe of former miſeries, kept down the ſpirit of liberty for ſome reigns, or diminiſhed, at leaſt, the force and vigour of its operations. But a paſſive ſubjection was never acknowledged, certainly never demanded as matter of right, till *Elizabeth* now and then, and king *James*, by talking continually in this ſtrain, awakened the national jealouſy; which proved ſo uneaſy to himſelf, and, in the end, ſo fatal to his family.

I cannot allow myſelf to mention theſe things more in detail to you, who have ſo perfect a

* Henry VII. † Henry VIII. ‡ Elizabeth.

knowledge

knowledge of them. One thing only I inſiſt upon, that, without connecting the ſyſtem of liberty with that of prerogative in our notion of the *Engliſh* government, the tenor of our hiſtory is perfectly unintelligible, and that no conſiſtent account can be given of it, but on the ſuppoſition of a LEGAL LIMITED CONSTITUTION.

Mr. SOMERS.

Yet that conſtitution, it will be thought, was at leaſt ill defined, which could give occaſion to ſo many fierce diſputes, and thoſe carried on through ſo long a tract of time, between the crown and the ſubject.

Sir J. MAYNARD.

The fault, if there was one, lay in the original plan of the conſtitution itſelf; as you will clearly ſee when I have opened the nature of it, that is, when I have explained the genius, views, and conſequences of the FEUDAL POLICY. It muſt, however, be affirmed, that this policy was founded in the principles of freedom, and was, in truth, excellently adapted to an active, fierce, and military people; ſuch as were all thoſe to whom theſe weſtern parts of *Europe* have been indebted for their civil conſtitutions. But betwixt the burthenſome ſervices impoſed on the ſubject by this tenure, or which it gave at leaſt the pretence of exacting from him, and the too great reſtraint which an unequal and diſproportioned allotment of

of feuds, to the greater barons, laid on the ſovereign; but above all, by narrowing the plan of liberty too much, and, while it ſeemed to provide for the dependency of the prince on one part of his ſubjects, by leaving both him and them in a condition to exerciſe an arbitrary dominion over all others; hence it came to paſs that the feudal policy naturally produced the ſtruggles and convulſions, you ſpoke of, till it was ſeen in the end to be altogether unſuited to the circumſtances of a rich, civilized, and commercial people. The event was, that the inconveniencies, perceived in this form of government, gradually made way for the introduction of a better; which was not, however, ſo properly a new form, as the old one amended and ſet right; cleared of its miſchiefs and inconſiſtencies, but conducted on the ſame principles as the former, and purſuing the ſame end, though by different methods.

It is commonly ſaid, "That the feudal tenures were introduced at the conqueſt." But how are we to underſtand this aſſertion? certainly not as if the whole ſyſtem of military ſervices had been created by the conqueror; for they were eſſential to all the *Gothic* or *German* conſtitutions. We muſt ſuppoſe then, that they were only new modelled by this great prince. And who can doubt that the form, which was now given to them, would be copied from that which the *Norman* had ſeen eſtabliſhed in his own country?

It

It would be copied then from the proper FEUDAL FORM; the eſſence of which conſiſted in the perpetuity of the feud; whereas the condition of theſe military tenures had been in other countries, that they ſhould be temporary only, or revocable at the will of the lord.

But to enter fully into the idea of the feudal conſtitution; to ſee at what time, and in what manner, it was introduced; above all, to comprehend the reaſons that occaſioned this great change, it will be convenient to look back to the eſtate of *France*, and eſpecially of *Normandy*, where this conſtitution had, for ſome years taken place before it was transferred to us at the conqueſt.

Under the firſt princes of the *Carlovingian* line, the lands of *France* were of two kinds, ALLODIAL, and BENEFICIARY. The allodial were eſtates of inheritance; the perſons, poſſeſſing them, were called HOMMES LIBRES. The beneficiary were held by grants from the crown. The perſons holding immediately under the emperor, were called LEUDES; the ſub-tenants, VASSALS.

Further, the allodial lands were alienable, as well as hereditary. The beneficiary were properly neither. They were held for life, or a term of years, at the will of the lord, and reverted to him

him on the expiration of the term for which they were granted.

I do not ſtay to explain theſe inſtitutions minutely. It is of more importance to ſee the alterations that were afterwards made in them. And the FIRST will be thought a ſtrange one.

The poſſeſſors of allodial lands, in *France*, were deſirous to have them changed into *tenures*. They who held of the crown *in capite* were intitled to ſome diſtinctions and privileges, which the allodial lords wiſhed to obtain; and therefore many of them ſurrendered their lands to the emperor, and received them again of him in the way of *tenure*. This practice had taken place occaſionally from the earlieſt times: but under *Charles* the Bald, it became almoſt general; and *free-men* not only choſe to hold of the emperor, but of other lords. This laſt was firſt allowed, in conſequence of a treaty between the three brothers, after the battle of *Fontenay*, in 847.

But theſe *free-men* were not ſo ill adviſed as to make their eſtates precarious, or to accept a life-eſtate inſtead of an inheritance. It was requiſite they ſhould hold for a perpetuity. And this I take to have been the true origin of hereditary feuds. Moſt probably in thoſe dangerous times, little people could not be ſafe without a lord to protect them: and the price of this protection was the change of propriety into tenure.

The

The SECOND change was by a law made under the ſame emperor in the year 877, the laſt of his reign. It was then enacted, that beneficiary eſtates, held under the crown, ſhould deſcend to the ſons of the preſent poſſeſſors. Yet not, as I conceive, to the eldeſt ſon; but to him whom the emperor ſhall chuſe: nor did this law affect eſtates only, but *offices*, which had hitherto been alſo beneficiary; and ſo the ſons of counts, marquiſes, *&c.* (which were all names of offices, not titles of honour) were to ſucceed to the authority of their fathers, and to the benefice annexed to it. The new feuds, created in allodial lands, had, I ſuppoſe, made the emperor's tenants deſirous of holding on the ſame terms: and the weakneſs of the reigning prince enabled them to ſucceed in this firſt ſtep, which prepared the way for a revolution of ſtill more importance. For,

The THIRD change, by which the inheritance of beneficiary lands and offices was extended to perpetuity, and the poſſeſſion rendered almoſt independent of the crown, was not, we may be ſure, effected at once, but by degrees. The family of *Charlemagne* loſt the empire: they reſiſted with great difficulty the incurſions of the *Normans*; and, in the year 911, *Normandy* was granted to them as an hereditary fee. The great lords made their advantage of the public calamities; they defended the king on what terms they pleaſed;

ed; if not complied with in their demands, they refuſed their aſſiſtance in the moſt critical conjunctures; and, before the acceſſion of *Hugh Capet*, had entirely ſhaken off their dependence on the crown. For it is, I think, a vulgar miſtake to ſay, that this great revolution was the effect of *Hugh's* policy. On the contrary, the independence of the nobles, already acquired, was, as it ſeems to me, the cauſe of his ſucceſs. The prince had no authority left but over his own demeſnes; which were leſs conſiderable than the poſſeſſions of ſome of his nobles. *Hugh* had one of the largeſt fiefs; and for this reaſon his uſurpation added to the power of the crown, inſtead of leſſening it, as is commonly imagined. But to bring back the feuds of the other nobles to their former precarious condition, was a thing impoſſible: his authority was partly ſupported by ſuperior wiſdom, and partly by ſuperior ſtrength, his vaſſals being more numerous than thoſe of any other lord.

I cannot tell if theſe foreigners, when they adopted the feudal plan, were immediately aware of all the conſequences of it. An hereditary tenure was, doubtleſs, a prodigious acquiſition; yet the advantage was ſomething counter-balanced by the great number of impoſitions which the nature of the change brought with it. Theſe impoſitions are what, in reſpect of the lord, are called his FRUITS of tenure; ſuch as WARDSHIP, MARRIAGE,

MARRIAGE, RELIEF, and other ſervices; and were the neceſſary conſequence of the king's parting with his arbitrary diſpoſal of theſe tenures. For now that the right of inheritance was in the tenant, it ſeemed but reaſonable, and without this proviſion the feudal policy could not have obtained its end, that the prince, in theſe ſeveral ways, ſhould ſecure to himſelf the honour, ſafety, and defence which the very nature of the conſtitution implied and intended. Hence hereditary feuds were of neceſſity clogged with the obligations I have mentioned; which, though trifling in compariſon with the diſadvantages of a precarious tenure, were yet at leaſt ſome check on the independency acquired. However theſe ſervices, which were due to the king under the new model, were alſo due to the tenant in chief from thoſe who held of him by the like tenure. And ſo the barons, or great proprietaries of land, conſidering more perhaps the ſubjection of their own vaſſals, than that by which themſelves were bound to their ſovereign, reckoned theſe burthens as nothing with reſpect to what they had gained by an hereditary ſucceſſion.

The example of theſe *French* feudataries, we may ſuppoſe, would be catching. We accordingly find it followed, in due time, in *Germany*; where CONRAD II.* granted the like privilege of *ſucceſſive* tenures, and at the preſſing inſtance of his tenants.

* CRAIG's *Jus feudale*, lib. i. p. 21. *Lond.* 1655.

I thought

I thought it material to remind you of theſe things; becauſe they prove the feudal inſtitution on the continent to have been favourable to the cauſe of liberty; and becauſe it will abate our wonder to find it ſo readily accepted and ſubmitted to here in *England*.

Mr. SOMERS.

The account you have given, and, I dare ſay, very truly, of the origin of feuds in *France* and *Germany*, is ſuch as ſhews them to have been an extenſion of the people's liberty. There is no queſtion that hereditary alienable eſtates have vaſtly the preference over beneficiary. But the caſe, I ſuſpect, was different with us in *England*. The great offices of ſtate, indeed, in this country, as well as in *France*, were beneficiary. But, if I don't miſtake, the lands of the *Engliſh*, except only the church-lands, were all allodial. And I cannot think it could be for the benefit of the *Engliſh* to change their old *Saxon* poſſeſſions, ſubject only to the famous triple obligation, for theſe new and burthenſome tenures.

Sir J. MAYNARD.

Strange as it may appear, we have yet ſeen that the *French* did not ſcruple to make that exchange even of their allodial eſtates. But to be fair, there was a great difference, as you well obſerve, in the circumſtances of the two people.

All the lands in *England* were, I believe, allodial, in the *Saxon* times: while a very conſiderable proportion of thoſe in *France* were beneficiary. Another difference, alſo, in the ſtate of the two countries, is worth obſerving. In *France*, the allodial lands (though conſiderable in quantity) were divided into ſmall portions. In *England*, they ſeem to have been in few hands; the greater part poſſeſſed by the king and his *Thanes*; ſome ſmaller parcels by the leſſer *Thanes*; and a very little by the *Ceorles*. The conſequence was, that, though the allodial propietors in *France* were glad to renounce their property for tenure, in order to ſecure the protection they much wanted; yet with us, as you ſay, there could not be any ſuch inducement for the Innovation. For, the lands being poſſeſſed in large portions by the nobility and gentry, the allodial lords in *England* were too great to ſtand in need of protection. Yet from this very circumſtance, fairly attended to, we ſhall ſee that the introduction of the feudal tenures was neither difficult nor unpopular. The great proprietors of land were, indeed, too free and powerful to be bettered by this change. But their tenants, that is, the bulk of the people, would be gainers by it. For theſe tenants were, I believe, to a man beneficiaries. The large eſtates of the *Thanes* were granted out in ſmall portions to others, either for certain quantities of corn or rent, reſerved to the lord, or on condition of ſtipulated ſervices. And theſe grants,

grants, of which ever ſort they were, were either at pleaſure, or at moſt for a limited term. So that though the proprietors of land in *England* were ſo much ſuperior to thoſe in *France*; yet the tenants of each were much in the ſame ſtate; that is, they poſſeſſed beneficiary lands on ſtipulated conditions.

When therefore, by right of forfeiture, the greater part of the lands in *England* fell, as they of courſe would do, into the power of the king (for they were in few hands, and thoſe few had either fought at *Haſtings*, or afterwards rebelled againſt him) it is eaſy to ſee that the people would not be diſpleaſed to find themſelves, inſtead of beneficiary tenants *, feudatary proprietors.

The main difficulty would be with the churchmen. Their poſſeſſions had been held, in the *Saxon* times, in FRANC-ALMOIGN. Though they had been bound, as all free-men were, to military ſervices, yet they had the great privilege of rating themſelves. 'Tis true, the burthens of theſe tenures would, many of them, not affect them. But then neither could they reap the principal fruit of them, the fruit of inheritance. They, beſides, conſidered every reſtraint on their privileges as impious, and took the ſubjection of

* This account of the *Saxon* benefices is much confirmed by the famous charter of biſhop *Oſwald*, and the comment of Sir *H. Spelman* upon it. See his diſcourſe on FEUDES AND TENURES.

the eccleſiaſtic to the ſecular power, which the feudal eſtabliſhment was to introduce, for the vileſt of all ſervitudes. Hence the churchmen were, of all others, the moſt averſe from this law*. And their oppoſition might have given the conqueror ſtill more trouble, if the ſuppreſſion of the great northern rebellion had not furniſhed him with the power, and (as many of them had been deeply engaged in it) with the pretence to force it upon them. And thus in the end, it prevailed univerſally, and without exception.

I would not go further into the hiſtory of theſe tenures. It may appear from the little I have ſaid of it, that the feudal ſyſtem was rather improved and corrected by the duke of *Normandy*, than originally planted by him in this kingdom: that the alteration made in it was favourable to the public intereſt; and that our *Saxon* liberties were not ſo properly reſtrained, as extended by it. It is of little moment to enquire whether the nation was won, or forced to a compliance with

* MATTHEW PARIS gives us the following account of this matter —"Epiſcopatus et Abbatias omnes, quæ baronias tenebant, et eatenus ab omni ſervitute ſæculari libertatem habuerant, ſub ſervitute ſtatuit militari, inrotulans ſingulos epiſcopatus et abbatias pro voluntate ſuâ, quot milites ſibi et ſucceſſoribus ſuis, hoſtilitatis tempore, voluit à ſingulis exhiberi. ET ROTULAS HUJUS ECCLESIASTICÆ SERVITUTIS ponens in theſauris, multos viros eccleſiaſticos HUIC CONSTITUTIONI PESSIMÆ reluctantes, a regno fugavit."

HIST. ANG. WILLIELMUS CONQUÆSTOR.

it.

it. It is enough to ſay, that, as it was accepted by the nation, ſo it was in itſelf no ſervile eſtabliſhment, but eſſentially founded in the principles of liberty. The duties of lord and feudatary were reciprocal and acknowledged: ſervices on the one part, and protection on the other. The inſtitution was plainly calculated for the joint-intereſt * of both parties, and the benefit of the community; the proper notion of the feudal ſyſtem being that " of a confederacy between a number of military perſons, agreeing on a certain limited ſubordination and dependence on their chief, for the more effectual defence of his and their lives, territories, and poſſeſſions."

Mr. SOMERS.

I have nothing to object to your account of the feudal conſtitution. And I think you do perfectly right to lay the main ſtreſs on the general nature and genius of it, as by this means you cut off thoſe fruitleſs altercations, which have

* The learned CRAIG, who has written ſo largely and accurately on the feudal law, was ſo far from ſeeing any thing ſervile in it, that he ſays, " The foundations of this diſcipline are laid in the moſt generous of all conſiderations, thoſe of GRATITUDE. *Hujus feudalis diſciplinæ fundamenta à gratitudine et ingratudine deſcendunt.* And he thinks it ſo little chargeable with any views or purpoſes of tyranny, that he eſteems it, " The ſureſt bulwark againſt lawleſs will and oppreſſion." His words are better and ſtronger—" Eſt hoc JUS FEUDALE omnium morum et officiorum gymnaſium, et unicum præſidium adverſus dominorum et vaſſallorum injuſtas cupiditates."

EPIST. NUNCUP. to K. *James.*

been raiſed concerning the perſonal character of the *Norman* conqueror. Our concern is not with him, but with the government he eſtabliſhed. And if that be free, no matter whether the founder of it were a tyrant. But though I approve your method, I doubt there is ſome defect in your agument. *Freedom* is a term of much latitude. The *Norman* conſtitution may be free in one ſenſe, as it excludes the ſole arbitrary dominion of one man, and yet ſervile enough in another, as it leaves the government in few hands. For it follows, from what I underſtand of the feudal plan, that though its genius be indeed averſe from abſolute monarchy, yet it is indulgent enough to abſolute *Ariſtocracy*. And the notion of each is equally remote from what we conceive of true *Engliſh* liberty.

Sir J. MAYNARD.

It is true, the proper feudal form, eſpecially as eſtabliſhed in this kingdom, was in a high degree oligarchical. It would not otherwiſe, perhaps, have ſuited to the condition of thoſe military ages. Yet the principles it went upon, were thoſe of publick liberty, and generous enough to give room for the extenſion of the ſyſtem itſelf, when a change of circumſtances ſhould require it.—But your objection will beſt be anſwered by looking a little more diſtinctly into the nature of theſe tenures.

I took

I took notice that the feudal ſyſtem ſubjected the CHURCH more immediate to the civil power: and laid the foundation of many ſervices and fruits of tenure to which the LAY-FEUDATARIES in the *Saxon* times had been altogether ſtrangers. It is probable that all the conſequences of this alteration were not foreſeen. Yet the churchmen were pretty quickſighted. And the diſlike they had conceived of the new eſtabliſhment was the occaſion of thoſe ſtruggles, which continued ſo long between the mitre and crown, and which are ſo famous more eſpecially in the early parts of our hiſtory. The cauſe of theſe eccleſiaſtics was a bad one. For their aim was, as is rightly obſerved by the advocates for the prerogative, to aſſert an independency on the ſtate; and for that purpoſe the pope was made a party in the diſpute; by whoſe intrigues it was kept up in one ſhape or other till the total renunciation of the papal power. Thus far, however, the feudal conſtitution cannot be blamed. On the contrary, it was highly ſerviceable to the cauſe of liberty, as tending only to hold the eccleſiaſtic, in a due ſubordination to the civil authority.

The ſame thing cannot be ſaid of the other inſtance, I mean the *fruits of tenure*, to which the layfees were ſubjected by this ſyſtem. For however reaſonable, or rather neceſſary thoſe *fruits* might be, in a feudal ſenſe, and for the end to which the feudal eſtabliſhment was directed, yet,

as the *meaſure* of theſe fruits, as well as the manner of exacting them, was in a good degree arbitrary, and too much left to the diſcretion of the ſovereign, the practice, in this reſpect, was ſoon found to be an intolerable grievance. Hence that other conteſt, ſo memorable in our hiſtory, betwixt the king and his barons: in which the former, under colour of maintaining his feudal rights, laboured to uſurp an abſolute dominion over the perſons and properties of his vaſſals; and the latter, impatient of the feudal burthens, or rather of the king's exactions under pretence of them, endeavoured to redeem themſelves from ſo manifeſt an oppreſſion.

It is not to be denied, perhaps, that, in the heat of this conteſt, the barons ſometimes carried their pretenſions ſtill further, and laboured in their turn to uſurp on the crown, in revenge for the oppreſſions they had felt from it. However, their firſt contentions were only for a mitigation of the feudal ſyſtem. It was not the character of the *Norman* princes to come eaſily into any project that was likely, in the leaſt degree, to intrench on their powers. Yet the grievances complained of, were in part removed, in part moderated by HENRY the firſt's, and many other ſucceſſive charters. Though the laſt blow was not given to theſe feudal ſervitudes, till after the reſtoration, when ſuch of them as remained and were found prejudicial to the liberty of the ſubject, were finally aboliſhed.

Thus

Thus we ſee that ONE eſſential defect in the feudal policy, conſidered not as a military, but civil inſtitution, was, the too great power it gave the ſovereign in the arbitrary impoſitions, implied in this tenure. ANOTHER was accidental. It aroſe from the diſproportionate allotment of thoſe feuds, which gave the greater barons an aſcendant over the prince, and was equally unfavourable to the cauſe of liberty. For the bounty of the duke of *Normandy*, in his diſtribution of the forfeited eſtates and ſignories to his principal officers, had been ſo immenſe *, that their ſhare of influence in the ſtate was exceſſive and intrenched too much on the independency of the crown and the freedom of the people. And this undue poize in the conſtitution, as well as the tyranny of our kings, occaſioned the long continuance of thoſe civil wars, which for many ages haraſſed and diſtreſſed the nation. The evil however, in the end, brought on its own remedy. For theſe princely houſes being much weakened, and many of them deſtroyed in the courſe of the quarrel, *Henry* VII ſucceeded, at length, to the peaceable poſſeſſion of the crown. And by the policy of

* This bounty in ſo wiſe a prince as *William* may be thought ſtrange. I believe it may be accounted for from what is obſerved above of the *Saxon* allodial lords. Theſe had poſſeſſed immenſe eſtates. And, as they fell in upon forfeiture, the great *Norman* adventurers would of courſe expect to come into the entire ſucceſſion.—Perhaps too, in that confuſion of affairs, the prince might not always himſelf be apprized of the extent and value of theſe poſſeſſions.

this

this prince, and that of his ſucceſſor, the barons were brought ſo low as to be quite diſabled from giving any diſturbance to the crown for the future.

It appears then that TWO great defects in the feudal plan of government, as ſettled amongſt us, were, at length, taken away. But a THIRD, and the greateſt defect of all, was the narrowneſs of the plan itſelf, I mean when conſidered as a ſyſtem of CIVIL polity; for, in its primary martial intention, it was perfectly unexceptionable.

To explain this matter, which is of the higheſt importance, and will furniſh a direct anſwer to Mr. *Somers's* objection, we are to remember that in the old feudal policy the king's barons, that is, ſuch as held *in capite* of the crown by knight's ſervice, were the king's, or rather the kingdom's, great council. No laws could be enacted, without their conſent*. It appears that, towards the end of the conqueror's reign, the number of theſe tenants in chief was about 700; who, as the whole property of the kingdom was, in effect, in their power, may be thought a no unfit repreſentative of the nation. It was ſo, perhaps, in thoſe rude and warlike times, when the ſtrength of the nation lay entirely in the ſoldiery; that

* The law of *Edward* the confeſſor is expreſs to this purpoſe, and it was ratified by the conqueror—"Debet rex omnia ritè facere in regno et per judicium procerum regni." See Sir H. SPELMAN of Parliaments, p. 58.

is,

is, in thoſe who held by knight-ſervice, either immediately of the crown, or of the meſne-lords. For the remainder of the people, whom they called tenants in ſocage, were of ſmall account; being conſidered only in the light of ſervants, and contributing no otherwiſe to the national ſupport than by their cultivation of the ſoil, which left their maſters at leiſure to attend with leſs diſtraction on their military ſervices. At leaſt, it was perfectly in the genius of the feudal, that is, military conſtitutions, to have little regard for any but the men of arms; and, as every other occupation would of courſe be accounted baſe and ignoble, it is not to be wondered that ſuch a difference was made between the condition of *prædial* and *military* tenures.

However, a policy, that excluded ſuch numbers from the rank and privileges of citizens, was ſo far a defective one. And this defect would become more ſenſible every day, in proportion to the growth of arts, the augmentation of commerce, and the ſecurity the nation found itſelf in from foreign dangers. The antient military eſtabliſhment would now be thought unjuſt, when the excluſive privileges of the ſwordſmen were no longer ſupported by the neceſſities of the publick, and the wealth of the nation made ſo great a part of the force of it. Hence aroſe an important change in the legiſlature of the kingdom, which was much enlarged beyond its former

former limits. But this was done gradually; and was more properly an extenſion, than violation of the antient ſyſtem.

Firſt, The number of tenants in chief, or the king's free-holders, was much encreaſed by various cauſes, but chiefly by the alienation which the greater barons were permitted to make of their fees. Such alienation could not be made without conſent of the prince: but his conſent became neceſſary, or was obtained at leaſt on ſome extraordinary occaſions. Thus, when the faſhionable madneſs of the CROISADES had involved the greater barons in immenſe debts, in order to diſcharge the expences of theſe expeditions, they were allowed, in HENRY the ſecond's reign, to alienate their poſſeſſions. The conſequence was, that the leſſer military tenants *in capite* multiplied exceedingly. And, as many of them were poor and unequal to a perſonal attendance in the court of their lord, or in the common council of the kingdom (where of right and duty they were to pay their attendance) they were willing, and it was found convenient to give them leave, to appear in the way of *repreſentation*. And this was the origin of what we now call THE KNIGHTS OF THE SHIRES; who, in thoſe times, were appointed to repreſent, not all the free-holders of counties, but the leſſer tenants of the crown only. For theſe, not attending in perſon, would otherwiſe have had no place in the king's council.

The

The riſe of CITIZENS AND BURGESSES, that is, repreſentatives of the cities and trading towns, muſt be accounted for ſomewhat differently. Theſe had originally been in the juriſdiction, and made part of the demeſnes of the king and his great lords. The reaſon of which appears from what I obſerved of the genius of the feudal policy. For little account being had of any but martial men, and trade being not only diſhonourable, but almoſt unknown in thoſe ages, the lower people, who lived together in towns, moſt of them ſmall and inconſiderable, were left in a ſtate of ſubjection to the crown, or ſome other of the barons, and expoſed to their arbitrary impoſitions and talliages. But this condition of burghers, as it ſprung from the military genius of the nation, could only be ſupported by it. When that declined therefore, and inſtead of a people of ſoldiers, the commercial ſpirit prevailed and filled our towns with rich traders and merchants, it was no longer reaſonable, nor was it the intereſt of the crown, that theſe communities and bodies of men ſhould be ſo little regarded. On the contrary, a large ſhare of the public burthens being laid upon them, and the frequent neceſſities of the crown, eſpecially in foreign wars, or in the king's contentions with his barons, requiring him to have recourſe to their purſes, it was naturally brought about that thoſe, as well as the tenants *in capite*, ſhould, in time, be admitted to have a ſhare in the public

counſels. I do not ſtay to trace the ſteps of this change. It is enough to ſay, that it aroſe inſenſibly and naturally out of the growing wealth, and conſequence of the trading towns; the convenience the king found in drawing conſiderable ſums from them, with greater eaſe to himſelf, and leſs offence to the people; and, perhaps, from the view of leſſening, by their means, the exorbitant power and influence of the barons. From theſe or ſuch like reaſons, the great towns and cities, that before were royal demeſnes, part of the king's private patrimony, and talliable by him at pleaſure, were allowed to appear in his council by their deputies, to treat with him of the proportion of taxes to be raiſed on them, and, in a word, to be conſidered in the ſame light as the other members of that great aſſembly.

I do not ſtay to enquire when this great alteration was firſt made. I find it ſubſiſting at leaſt under *Edward* III. And from that time there is no diſpute but that the legiſlature, which was originally compoſed of the ſovereign and his feudal tenants, included alſo the repreſentatives of the counties, and of the royal towns and cities. To ſpeak in our modern ſtyle, the HOUSE OF COMMONS was, now, formed. And by this addition, the glorious edifice of *Engliſh* liberty was completed.

I am ſenſible I muſt have wearied you with this deduction, which can be no ſecret to either of

of you. But it was of importance to ſhew, that the conſtitution of *England*, as laid in the feudal tenures, was eſſentially free, and that the very changes it hath undergone, were the natural and almoſt unavoidable effects of thoſe tenures. So that what the adverſaries of liberty object to us, as uſurpations on the regal prerogative, are now ſeen to be either the proper reſult of the feudal eſtabliſhment, or the moſt juſt and neceſſary amendments of it.

Bp. BURNET.

I have waited with much pleaſure for this concluſion, which entirely diſcredits the notion of an abſolute, deſpotic government. I will not take upon me to anſwer for Mr. *Somers*, whoſe great knowledge in the laws and hiſtory of the kingdom enables him to ſee further into the ſubject than I do; but to me nothing appears more natural or probable than this account of the riſe and progreſs of the *Engliſh* monarchy. One difficulty, in particular, which ſeemed to embarras this enquiry, you have entirely removed, by ſhewing how, from the ariſtocratical form which prevailed in the earlier times, the more free and popular one of our days hath gradually taken place, and that without any violence to the antient conſtitution.

Mr. SOMERS.

At leaſt, my lord, with ſo little, that we may, perhaps, apply to the *Engliſh* government what the

the naturaliſts obſerve of the HUMAN BODY *; that, when it arrives at its full growth, it does not perhaps retain a ſingle particle of the matter it originally ſet out with, yet the alteration hath been made ſo gradually and imperceptibly, that the ſyſtem is accounted the ſame under all changes. Juſt ſo, I think, we ſeem to have ſhaken off the conſtituent parts of the FEUDAL CONSTITUTION; but, liberty having been always the informing principle, time and experience have rather completed the old ſyſtem, than created a new one: and we may account the preſent and *Norman* eſtabliſhment all one, by the ſame rule as we ſay that *Hercules*, when he became the deliverer of oppreſſed nations, was ſtill the ſame with him who had ſtrangled ſerpents in his cradle.

Sir J. MAYNARD.

I know not what fanciful ſimiles your younger wit may delight in. I content myſelf with obſerving that the two great points, which they, who deny the liberty of the ſubject, love to inculcate, and on which the plauſibility of all their reaſonings depends, are, THE SLAVISH NATURE OF THE FEUDAL CONSTITUTION, and THE LATE RISE OF THE HOUSE OF COMMONS. And I have taken up your time to ſmall purpoſe, if it doth

* Great lawyers have been fond of this alluſion. See old FORTESCUE in his book *De laudibus legum Angliæ*, where this ſort of Analogy is purſued at length through a great part of the XIIIth Chapter.

not

not now appear, that the *former* of these notions is false, and the *latter* impertinent. If the learned enquirers into this subject had considered that the question is, concerning the freedom itself of our constitution, and not the most convenient form under which it may be administered, they must have seen that the feudal law, though it narrowed the system of liberty, was founded in it; that the spirit of freedom is as vital in this form, and the principles it goes upon as solid, as in the best formed republic; and that *villanage* concludes no more against the *feudal*, than *slavery* against the *Greek* or *Roman* constitutions.

Mr. SOMERS.

That is, Sir JOHN, you make *liberty* to have been the essence of all THREE; though, to the perfection of an equal commonwealth, you suppose it should have been further spread out and dilated: as they say of *frankincense*, (if you can forgive another allusion *) which, when lying in

* Notwithstanding the apology, the judicious reader will be scandalized, as the editor professes himself to have been, with a couple of boyish allusions, so near together too, from the mouth of Mr. *Somers*. However, I draw an invincible argument from this circumstance for the authenticity of the present dialogue. Such an escape might *actually* have happened in private amongst his friends; for, from what we are told of him, he was one of those, whom his brethren of the coif might have reason to *shake their heads at, as a Wit*. But what sophist could be foolish enough to draw a *feigned* character of a modern lawyer in such colours?

But I have still another very material observation to make

the lump, is of no great use or pleasure, but when properly diffused, is the sweetest of all

on occasion of this *simile*. The idolaters of a certain poet are never put to their shifts so much as when they are required to vindicate their favourite from the charge of plagiarism. I desire to know what they can find to say to the following lines. Speaking of *wealth* in his epistle on the use of riches, he says,

In heaps, like ambergrise, a stink it lies;
But well-dispers'd, is incense to the skies.

I can imagine a little critic would be forward to quote this as an original sentiment. Yet we see it was almost verbatim copied from this comparison of Mr. *Somers*. I say from *this comparison*, for the reader may be pleased to know that this conversation, with so many other curious things, was amongst the earl of *Oxford's* MSS; and nobody needs be told the pleasure which Pope took in rioting amidst that inestimable treasure. Nay, he is well known to have added many precious things to it himself: in particular, ONE, which his admirers would not have expected; I mean, an elaborate treatise on *the Greek and Roman Antiquities:* a further proof of his little genius, and his great disposition to pilfering and transcribing.

I thought it but just to take notice of these things, as they serve to vindicate the opinion, which is growing pretty general, of the slender talents of this writer. At the same time I would not affirm, that the simile before us was original even in Mr. *Somers*. It is likely he took it from one of his brethren, a facetious reader of *Gray's-Inn*, master BETTENHAM by name, who used to say, "That riches were like muck; when it lay upon a heap, it gave but a stench and ill odour; but when it was spread upon the ground, then it was cause of much fruit." See Lord *Bacon's Apopthegms*. One sees by such instances as these how little invention there is in the world, even among those whom the world calls wits and geniuses. But some men have had strange luck in putting off their false wares on the credulous vulgar; and still stranger in drawing in critics, at least who would pass for such, to countenance the cheat by writing I know not what idle discourses on POETICAL IMITATION.

odours.

odours. But you was going on with the application of your principles.

Sir J. MAYNARD.

I was going to say that, as many have been misled by wrong notions of the *feudal tenures*, others had erred as wide in their reasonings on *the late origin of the lower house of parliament*. How have we heard some men triumph in dating it no higher than the reign of *Edward* III? Let the fact be admitted. What follows? That this house is an usurpation on the prerogative? Nothing less. It was gradually brought forth by time, and grew up under the favour and good liking of our princes *. The constitution itself supposed the men of greatest consequence, in the commonwealth to have a seat in the national councils. Trade and agriculture had advanced vast numbers into consequence, that before were of small account in the kingdom. The public consideration was encreased by their wealth, and the public necessities relieved by it. Were these to remain for ever excluded from the king's councils? Or was not that council, which had liberty for its object, to widen and expand itself in order to receive them? It did,

* Agreeably to what Sir *H. Spelman* asserts, in his glossary, of its parent, the *feudal law* itself; "DE LEGE FEUDALI—pronunciandum censeo, TEMPORIS eam esse filiam, sensimque successcentem, EDICTIS PRINCIPUM auctam indies et excultam." In voce FEODUM.

in fact, receive them with open arms, and, in so doing, conducted itself on the very principles of the old feudal policy.

In short, the *feudal constitution*, different from all others that human policy is acquainted with, was of such a make, that it readily gave way, and fitted itself to the varying situations of society; narrow and contracted, when the public interest required a close connexion between the governor and the governed; large and capacious, when the same interest required that connexion to be loosened. Just as the skin (if you will needs have a comparison) the natural cincture of the body, confines the young limbs with sufficient tightness, and yet widens in proportion to their growth, so as to let the different parts of the body play with ease, and obtain their full size and dimensions. Whereas the other policies, that have obtained in the world, may be compared to those artificial coverings, which being calculated only for one age and size, grow troublesome and insupportable in any other; and yet cannot, like these, be thrown off and supplied by such as are more suitable and convenient, but are worn for life, though with constant, or rather increasing uneasiness *.

* One sees from this escape of old *Maynard*, how catching this play of fancy is, and how easily it communicates itself, on certain occasions, to the sobereſt understandings. Whence some have concluded, too hastily, that when grave and solid persons reprobate this sort of trifling, they do it not out of the abundance of their wisdom, but of their dulness.

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This then being the peculiar prerogative of the feudal policy, I think we may ſay with great truth, not that the houſe of commons violated the conſtitution, but, on the contrary, that the conſtitution itſelf demanded, or rather generated, the houſe of commons.

So that I cannot by any means commend the zeal which ſome have ſhewn in ſeeking the origin of this houſe in the *Britiſh* or even *Saxon* annals. Their aim was to ſerve the cauſe of liberty, but, it muſt be owned, at the expence of truth, and, as we now perceive, without the leaſt neceſſity.

Bp. BURNET.

It hath happened then in this, as in ſo many other inſtances, that an excellent cauſe hath ſuffered by the ill judgment of its defenders. But when truth itſelf had been diſgraced by one ſort of men, in being employed by them to the worſt purpoſes, is it to be wondered that others ſhould not acknowledge her in ſuch hands, but be willing to look out for her in better company?

Sir J. MAYNARD.

Let us ſay, my lord, they ſhould have acknowledged her in whatever company ſhe was found; and the rather, as ill-applied truths are ſeen to be full as ſerviceable to a bad cauſe, as downright falſhoods. Beſides, this conduct had not

only been fairer, but more politic. For when ſo manifeſt a truth was rejected, it was but natural to ſuſpect foul play in the reſt, and that none but a bad cauſe could want to be ſupported by ſo diſingenuous a management.

Mr. Somers.

I think ſo, Sir John; and there is this further uſe of ſuch candor, that it cuts off at once the neceſſity of long and laboured reſearches into the dark parts of our hiſtory; and ſo not only ſhortens the debate, but renders it much more intelligible to the people.

Sir J. Maynard.

I was aware of that advantage, and am therefore not diſpleaſed that truth allowed me to make uſe of it.—But to reſume the main argument; for I have not yet done with my evidence for the freedom of our excellent conſtitution. It ſeemed of moment to ſhew, from the nature and conſequences of the *Norman* ſettlement, that the *Engliſh* government was eſſentially free. But becauſe the freeſt form of government may be tamely given up and ſurrendered into the hands of a maſter, I hold it of conſequence to prove that the *Engliſh* ſpirit hath always been anſwerable to the conſtitution, and that even the moſt inſidious attempts on their liberties have never failed to awaken the reſentment of our generous forefathers. In a word, I would ſhew that the jealouſy,

jealousy, with which the *English* have ever guarded the national freedom is at once a convincing testimony of their *right*, and of their constant *possession* of it.

And though I might illustrate this argument by many other instances, I chuse to insist only on ONE, THEIR PERPETUAL OPPOSITION TO THE CIVIL AND CANON LAWS; which, at various times and for their own ends, the crown and church have been solicitous to obtrude on the people.

To open the way to this illustration, let it be observed that, from the time of HONORIUS, that is when the *Roman* authority ceased amongst us, the *Saxon* institutions, incorporated with the old *British* customs, were the only standing laws of the kingdom. These had been collected and formed into a sort of digest by EDWARD the Confessor; and so great was the nation's attachment to them, that *William* himself was obliged to ratify them at the same time, that the feudal law itself was enacted. And, afterwards, on any attempt to innovate on those laws, we hear of a general outcry and dissatisfaction among the people: which jealousy of their's, was not without good grounds; as we may see from an affair that happened in the conqueror's own reign, and serves to illustrate the policy of this monarch.

It had been an old cuſtom, continued through the *Saxon* times, for the biſhops and ſheriffs to ſit together in judicature in the county courts. This had been found a very convenient practice; for the preſence of the churchmen gave a ſanction to the determinations of the temporal courts, and drew an extraordinary reverence towards them from the people. Yet we find it aboliſhed by the conqueror; who, in a reſcript to the biſhop of *Lincoln* ordained that, for the future, the biſhops and aldermen of the ſhires ſhould have ſeparate courts and ſeparate juriſdictions. The pretence for this alteration was the diſtinct nature of the two judicatures, and the deſire of maintaining a ſtrict conformity to the canons of the church. The real deſign was much deeper. There is no queſtion but *William's* inclinations, at leaſt, were for arbitrary government; in which project his *Norman* lawyers, it was hoped, might be of good uſe to him. But there was a great obſtacle in his way. The churchmen of thoſe times had incomparably the beſt knowledge of the *Saxon* laws. And it was not eaſy for his gloſſers to interpret them to their own mind, whilſt the biſhops were at hand to refute and rectify their comments. Beſides, the truth is (and my lord of *Saliſbury* will not be diſpleaſed with me for telling it) the eccleſiaſtics of that time were much indevoted to the court. They conſidered the king as the wickedeſt of all tyrants. He had brought them into ſubjection

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by their baronies, and had even ſet the pope himſelf at defiance. In this ſtate of things there was no hope of engaging the clergy in his plot. But when a ſeparation of the two tribunals was made, and the civil courts were ſolely adminiſtered by his own creatures, the laws, it was thought, would ſpeak what language he pleaſed to require of them.

Such appears to have been the deſign of this prince in his famous diſtinction of the eccleſiaſtic and temporal courts. It was ſo artfully laid and ſo well coloured, that the laity ſeem to have taken no umbrage at it. But the clergy ſaw his drift; and their zeal for the ancient laws, as well as their reſentments, put them upon contriving methods to counteract it. They hit upon a very natural and effectual one. In a word, they all turned common lawyers; and ſo found means of introducing themſelves into the civil courts. This expedient ſucceeded ſo well, and was ſo generally reliſhed, that the clergy to a man almoſt in the next reign were become profeſſors of the common law; NULLUS CLERICUS NISI CAUSIDICUS, as *William* of *Malmeſbury* takes care to inform us *.

Bp. BURNET.

Whatever their motive might be, the churchmen, I perceive, interpoſed very ſeaſonably in

* DISS. AD FLET. 1091. and WILLIAM OF MALMESBURY, lib. iv. f. 69. *Lond.* 1596.

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the ſupport of our civil liberties. It was a generous kind of revenge, methinks, to repay the king's tyranny over the church by vindicating the authority of the *Engliſh* laws.

Sir J. MAYNARD.

It was ſo; and for this good ſervice, I let them paſs without any harſher reflection. Though the true ſecret is, perhaps, no more than this. Their main object was the church, of whoſe intereſts, as is fitting, we will allow them to be the moſt competent judges. And, as theſe inclined them, they have been, at different junctures, the defenders, or oppreſſors of civil liberty.

Bp. BURNET.

At *ſome* junctures, it may be, they have. But if you inſiſt on ſo general a cenſure, I muſt intreat Mr. *Somers*, once more, to take upon him the defence of our order.

Sir J. MAYNARD.

All I intended by this inſtance, was, to ſhew the ſpirit of the *Saxon* laws, which could excite the jealouſy of the prince, and deſerve, at ſuch a ſeaſon, the patronage of the clergy. It ſeems, however, for once, as if they had a little miſconceived of their true intereſts. For the diſtinction of the two judicatures, which occaſioned their reſentment, was, in the end, a great means of the hierarchical greatneſs and independency.

Matters continued on this footing during the three firſt of the *Norman* reigns. The prince did his utmoſt to elude the authority of the *Engliſh* laws; and the nation, on the other hand, laboured hard to confirm it. But a new ſcene was opened under king *Stephen*, by means of the *Juſtinian* laws; which had lately been recovered in *Italy*, and became at once the faſhionable ſtudy over all *Europe*. It is certain, that the Pandects were firſt brought amongſt us in that reign; and that the reading of them was much favoured by archbiſhop of THEOBALD *, under whoſe encouragement they were publicly read in *England* by VACARIUS, within a ſhort time after the famous IRNERIUS had opened his ſchool at *Bologna*. There is ſomething ſingular in the readineſs with which this new ſyſtem of law was embraced in theſe weſtern parts of *Europe*. But my friend Mr. *Selden* uſed to give a plauſible account of it. It was, he ſaid †, in oppoſition to INNOCENT II, who was for obtruding on the Chriſtian ſtates the *decretals*, as laws; manifeſtly calculated for the deſtruction of the civil magiſtrate's power. And what ſeems to authorize the opinion of my learn-

* It may be difficult to ſay whence all the particulars, that follow, relating to the civil law were taken by the Speaker. But I find ſome of them in *Selden's Diſſertation ad* FLETAM: as this of the introduction of the *Juſtinian* inſtitutions, from *William* of *Malmeſbury*, occurs in p. 1082. *Selden's works*, vol. ii. tom. ii.

† DISS. AD FLET. 1078.

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ed friend, is, that the popes very early took the alarm, and, by their decrees, forbad churchmen to teach the civil law: as appears from the conſtitution of ALEXANDER III, ſo early as the year 1163, in the council of TOURS; and afterwards from the famous decretal of SUPER-SPECULA by HONORIUS III, in 1219, in which the clergy of all denominations, ſeculars as well as regulars, were prohibited the ſtudy of it. And it was, doubtleſs, to defeat the miſchief which the popes apprehended to themſelves, from the credit of the imperial laws, that GRATIAN was encouraged, about the ſame time, to compoſe and publiſh his DECREE; which, it is even ſaid *, had the expreſs approbation of pope EUGENIUS.

To ſee now what reception this newly recovered law, ſo ſeverely dealt with by the pope, and ſo well entertained by the greateſt part of *Europe*, had in *England*. VACARIUS had continued to teach it for ſome time, in the archbiſhop's palace at *Lambeth*, to great numbers, whom the faſhion of the age, and the novelty of the ſtudy, had drawn about him. The fame of the teacher was very high, and the new ſcience had made a great progreſs, when on a ſudden it received a ſevere check, and from a quarter from which one ſhould not naturally expect it. In ſhort, the king himſelf interdicted the ſtudy of it. Some have imagined, that this inhibition was owing to the

* DR. DUCK, *De uſu et authoritate juris civilis*, p. 103. LUGD. BATAV. 1654.

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ſpite he bore to archbiſhop THEOBALD. But the truer reaſon ſeems to be, that the canon law was firſt read by *Vacarius* at the ſame time, and under colour of the imperial. I think we may collect thus much very clearly from JOHN of SALISBURY, who acquaints us with this edict. For he conſiders it as an offence againſt the church, and expreſly calls the prohibition, an IMPIETY *. It is true, the decretals of *Gratian* were not yet publiſhed. But Ivo had made a collection of them in the reign of HENRY I; and we may be ſure that ſome Code of this ſort would privately go about amongſt the clergy, from what was before obſerved of the pains taken by INNOCENT II, to propagate the decretals. We may further obſerve, that THEOBALD had been in high favour with INNOCENT, and that his ſchool, at *Lambeth*, was opened immediately on his return from *Rome*, whither he had been to receive his pall from this pope, on his appointment to the ſee of *Canterbury* †. All which makes it probable, that *Stephen's* diſpleaſure was not ſo much at the civil as *canon* law, which he might well conclude had no friendly aſpect on his ſovereignty.

And we have the greater reaſon to believe that this was the fact, from obſerving what afterwards happened in the reign of HENRY III, when a prohibition of the ſame nature was again iſſued

* POLICRATIC. lib viii. c. 22. p. 672. *Lugd. Bat.* 1639.
† DISS. AD FLET. 1082.

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out againſt the teachers of the *Roman* laws in *London**. The true cauſe of the royal mandate is well known. GREGORY IX had juſt then publiſhed a new code of the decretals; which, like all former collections of this ſort, was calculated to ſerve the papal intereſt, and depreſs the rights of princes.

However theſe edicts, if we ſuppoſe them levelled againſt the civil law, had no effect, any more than thoſe of the popes *Alexander* and *Honorius*, before mentioned. For the imperial law being generally well received by the princes of *Europe*, preſently became a kind of *Jus gentium*. And the clergy, who aſpired to power and dignities, either abroad or at home, ſtudied it with an inconceivable rage; inſomuch that ROGER BACON tells us, that, in his time for forty years together, the ſeculars, who were the eccleſiaſtics employed in buſineſs, never publiſhed a ſingle treatiſe in divinity †.

The truth is, whatever ſhew the popes or our own princes might make, at times, of diſcountenancing the civil law, it was not the deſign of either abſolutely and univerſally to ſuppreſs it. It was properly, not the civil, but the canon law, which was diſcountenanced by our kings. And the caſe of the popes was, that, when they found the imperial law oppoſed to the *common*,

* DISS. AD FLET. 1097. † Dr. DUCK, p. 364.

they

they were ready to favour it; when it was oppoſed to the *canon*, and brought that into neglect, they forbad eccleſiaſtics the ſtudy of it.

Mr. SOMERS.

In the mean time the poor people, methinks, were in a fine condition between two laws, the one founded on civil, and the other on eccleſiaſtical tyranny. If either had prevailed, there had been an end of their liberties.

Sir J. MAYNARD.

Certainly their ſituation was very critical. Yet in the end it was preciſely this ſituation that ſaved them. For betwixt theſe contentions of the crown and mitre, each endeavouring to extend its dominion over the other, the people, who were of courſe to be gained by either ſide in its diſtreſs, found means to preſerve themſelves from both. To ſee how this happened we muſt remember, what appears indeed from the two edicts of STEPHEN and HENRY, that the king himſelf was a bulwark betwixt them and the papal power. And when the king in his turn wanted to exalt his prerogative over all, the church very naturally took the alarm, as we ſaw in the caſe of *William's* ſeparation of the two tribunals. And thus it happened, as NAT. BACON obſerves *, "That many times the pope and the clergy be-

* Diſc. Part i. p. 78. *Lond.* 1739.

came

came protectors of the people's liberties, and kept them safe from the rage of kings". The greatest danger was, when the two powers chanced to unite in one common design against them; as they did in their general inclination for the establishment of the civil law. But here the people had the courage always to defend themselves; and with that wisdom too, as demonstrates their attention to the cause of civil liberty, and the vigilance with which they guarded even its remotest outworks.

Of their steady and watchful conduct, in this respect, I shall mention some of the many memorable examples, that occur in our history.

I have said that from the time of STEPHEN, notwithstanding his famous edict, the imperial laws were the chief and favourite study of the clergy. They had good reason for applying themselves so closely to this science, and still further views than their own immediate advancement. They wanted to bring those laws into the civil courts, and to make them the standing rule of public administration; not merely from their good will to the papal authority, which would naturally gain an advantage by this change, but for the sake of controlling the too princely barons, and in hopes, no doubt, that the imperial would in due time draw the canon laws into vogue along with them. Such, I think, were at least the secret designs of the ruling clergy;

gy; and they did not wait long before they endeavoured to put their project in execution. The plot was admirably laid, and with that deep policy as hath kept it, I believe, from being generally understood to this day.

The great men of that time were, we may be sure, too like the great men of every other, to be very scrupulous about the commission of those vices to which they were most inclined. The truth is, their profligacy was in proportion to their greatness and their ignorance. They indulged themselves in the most licentious amours, and even prided themselves in this licence. The good churchmen, no doubt, lamented this corruption of manners; but as they could not reform, they resolved at least to draw some emolument to themselves from it. The castles of the barons, they saw, were full of bastards. Nay, the courtesy of that time had so far dignified their vices, that the very name was had in honour. Ego Gulielmus Bastardus, is even the preamble to one of *William* the first's charters. Yet, as respectable as it was become, there was one unlucky check on this favourite indulgence. And this, with the barons leave, the considerate bishops would presently take off. Subsequent marriage by the imperial, as well as canon, laws, legitimated bastards, as to succession; whereas the common law kept them eternally in their state of bastardy. It is not to be doubted,

but the barons would be ſenſible enough of this reſtraint. They earneſtly wiſhed to get rid of it. And could any thing bid ſo fair to recommend the imperial law to their good liking, as the tender of it for ſo deſirable a purpoſe? At a parliament therefore under HENRY III *, *Rogaverunt omnes epiſcopi, ut conſentirent quod nati antè matrimonium eſſent legitimi.* What think ye now of this general ſupplication of the hierarchy? What could the barons do but comply with it, eſpecially as it was ſo kindly intended for their relief, and the propoſal was even made with a delicacy that might enable them to come into it with a good grace, and without the ſhame of ſeeming to deſire it? All this is very true. Yet the anſwer of the virtuous barons is as follows. *Omnes comites et barones unâ voce reſponderunt*, QUOD NOLUMUS LEGES ANGLIÆ MUTARI. Wee ſee then what ſtuck with them. Theſe barons, as licentious as they were, preferred their liberty to their pleaſure. The biſhops, they knew, as partiſans of the pope, were for ſubjecting the nation to the imperial and papal laws. They offered, indeed, to begin with a circumſtance very much to their taſte. But if they accepted the benefit of them in one inſtance, with what decency could they object to them in others? They determined therefore to be conſiſtent. They rejected a propoſition, moſt agreeable in itſelf, leſt their acceptance of it ſhould make way for the intro-

* At MERTON, in the year 1236.

duction

duction of foreign laws; whose very genius and essence, they well knew, was arbitrary, despotic power. Their answer speaks their sense of this matter. NOLUMUS LEGES ANGLIÆ MUTARI. They had nothing to object to the proposal itself. But they were afraid for the constitution.

Mr. SOMERS.

I doubt, Sir *John*, my lord of *Salisbury* will bring a fresh complaint against you for this liberty with the bishops. But I, who shall not be thought wanting in a due honour for that bench, must needs confess myself much pleased as well with the novelty *, as justice of this comment. I have frequently considered this famous reply of the old barons. But I did not see to the bottom of the contrivance. Their aversion to the imperial laws, as you say, must have been very great to have put them on their guard against so inviting a proposal.

Bp. BURNET.

One thing, however, is forgotten or dissembled in this account, that the law of *Justinian*, which allows the privilege of legitimation to subsequent marriage, is grounded on some reasons that might, perhaps, recommend it to the judg-

* I have sometimes taken great offence at this sort of compliments, which the obliging writer, in effect, passes on himself, in *feigned* dialogues. But in a *real* conversation, like this, nothing is more naturally to be expected.

ment, as well as intereſt of the old prelates. Beſides, they doubtleſs found themſelves much diſtreſſed by the contrariety of the two laws in this inſtance. For the ground of their motion, as I remember, was, *Quod eſſet ſecundum communem formam eccleſiæ.* But to deal ingenuouſly with you, Sir *John*, you have dreſſed up your hypotheſis very plauſibly. And I, who am no advocate for the civil or eccleſiaſtical laws, in this or any inſtance where they claſh with thoſe of my country, can allow your raillery on *Henry's* good biſhops, if it were only that I ſee it makes ſo much for your general argument.

Sir J. MAYNARD.

Your lordſhip may the rather excuſe this liberty with the *church*, as I propoſe, in due time, to deal as freely with the LAW; a ſimilar plot, which I ſhall have occaſion to mention preſently, having been formed againſt the ancient conſtitution by the men of our profeſſion.

Mr. SOMERS.

In the mean time, Sir *John*, you muſt give me leave, in quality of advocate for the church, to obſerve one thing that does the churchmen honour. It is, that, in theſe attempts on the conſtitution, the judges and great officers of the realm, who, in thoſe times were of the clergy, conſtantly took the ſide of the *Engliſh* laws; as my lord COKE himſelf, I remember, takes notice in his commentary on this ſtatute of MERTON.

Sir

Sir J. MAYNARD.

I believe the obſervation is very juſt. But I ſhould incline to impute this integrity, not to the influence of church principles, but thoſe of the common law, and ſo turn your compliment to the honour of our profeſſion, inſtead of theirs, if it were not too clear in fact that every profeſſion, in its turn, hath been liable to this charge of corruption.

But I was going on with my proofs of the national averſion to the imperial law. The next ſhall be taken from that famous diſpute concerning the ſucceſſion to the crown of *Scotland* in the reign of EDWARD I. For a queſtion ariſing about the kind of law, by which the controverſy ſhould be decided, and it being eſpecially debated, whether the Cæſarean law, as a ſort of *jus gentium*, ought not, in ſuch a cauſe, to have the preference to the law of *England*; it was then unanimouſly determined by the great council of NORHAM, that the authority of the Cæſarean law ſhould by no means be admitted; NE INDE MAJESTATIS ANGLICANÆ JURI FIERET DETRIMENTUM *.

This determination was public, and given on a very ſolemn occaſion. And in general we may obſerve, that at the junctures when the ſtate hath been moſt jealous of its liberty and honour, it

* DISS. AD FLET. 1108.

hath declared the loudeſt againſt the *imperial laws*. As in the WONDER-WORKING parliament under RICHARD II, when the duke of *Glouceſter* accuſed the archbiſhop of *York*, the duke of *Ireland*, and other creatures of the king, of high treaſon. The charge was ſo fully proved, that the court had no other way of diverting the ſtorm than by pretending an irregularity in the forms of procedure. To this end the lawyers were conſulted with, or more properly directed. I will diſguiſe nothing. They deſcended ſo much from the dignity of their profeſſion, as to act in perfect ſubſerviency to the views of the court; and therefore gave it as their opinion, that the proceedings againſt the lords were of no validity, as being contrary to the forms preſcribed by the *civil law*. The barons took themſelves to be inſulted by theſe ſhifts of the lawyers. They inſiſted that the proceedings were agreeable to their own cuſtoms, and declared roundly that they would never ſuffer *England* to be governed by the *Roman* civil law *.

What think ye now of theſe examples? Are they not a proof that the ſpirit of liberty ran high in thoſe times, when neither the intrigues of churchmen, nor the chicane of lawyers could put a ſtop to it? It ſeems as if no direct attempts on the conſtitution could have been made with the

* See FORTESCUE *De laudibus leg. Angl.* p 74. *Lond.* 1741; and *Selden's* JANUS ANGLORUM, 1010. vol. ii. tom. ii.

leaſt

leaſt appearance of ſucceſs; and that therefore the abettors of arbitrary power were obliged to work their way obliquely by contriving methods for the introduction of a foreign law. And in this project they had many advantages, which nothing but an unwearied zeal in the cauſe of liberty could have poſſibly counteracted. From the reign of STEPHEN to that of EDWARD III, that is, for the ſpace of near 200 years, the *Roman* law had been in great credit *. All the learning of the times was in the clergy, and that learning was little more than the imperial and canon laws. The fact is ſo certain, that ſome of the clergy themſelves, when in an ill temper, or off their guard, complain of it in the ſtrongeſt terms. And to ſee the height to which this humour was carried, not the ſeculars only who intended to riſe by them, but the very monks in their cells ſtudied nothing but theſe laws †. To complete the danger, the magiſtracies and great offices of the kingdom were filled with churchmen ‡. Who would expect, now, with thoſe advantages, but that the *Roman* law would have forced its way into our civil courts? It did indeed inſinuate itſelf there as it were by ſtealth, but could never appear with any face of authority. The only ſervice that would be accepted from it was, that of illuſtration only in the courſe of their pleadings, whilſt the lawyers quoted oc-

* DISS. AD FLET. 1104. † Dr. DUCK, p. 365.
‡ DISS. AD FLET. 1010.

 caſionally

caſionally from the INSTITUTES, juſt as they might have done from any other antient author *. Yet, ſo long as the churchmen preſided in the courts of juſtice, this intruder was to be reſpected; and it is pleaſant to obſerve the wire-drawing of ſome of our ableſt lawyers in their endeavours to make the policy of *England* ſpeak the language of *Rome*. Mr. *Selden's* diſſertation on FLETA †, which lies open before me, affords a curious inſtance. The civil law ſays, "Populus ei [Cæſari] et in eum omne ſuum imperium et poteſtatem conferat;" meaning, by *people*, the *Roman* people, and ſo eſtabliſhing the deſpotic rule of the prince. But BRACTON took advantage of the ambiguity to eſtabliſh that maxim of a free government, "That all dominion ariſes from the people." This, you will ſay, was good management. But what follows is ſtill better. "Nihil aliud, ſays he, poteſt rex in terris, cum ſit Dei miniſter et vicarius, niſi quod JURE poteſt. Nec OBSTAT quod dicitur, QUOD PRINCIPI PLACET LEGIS HABET VIGOREM. Quia ſequitur in fine legis, CUM LEGE REGIA QUÆ DE IMPERIO EJUS LATA EST; id eſt, non quicquid de voluntate regis temerè præſumptum eſt, ſed quod conſilio magiſtratuum ſuorum, rege auctoritatem præſtante, et habitâ ſuper hoc deliberatione et tractatu, rectè fuerit definitum." Thus far old BRACTON; who is religiouſly followed in the ſame gloſs by THORNTON, and the author of

* DISS. AD FLET. 1106. † Pag. 1046.

FLETA.

FLETA. But what! you will ſay, this is an exact deſcription of the preſent conſtitution. It is ſo, and therefore certainly not to be found in the civil law. To confeſs the truth, theſe venerable ſages are playing tricks with us. The whole is a premeditated falſification, or, to ſay it ſofter, a licentious commentary for the ſake of *Engliſh* liberty. The words in the PANDECTS and INSTITUTIONS are theſe; "QUOD PRINCIPI PLACUIT, LEGIS HABET VIGOREM, UTPOTE CUM LEGE REGIA, QUÆ DE IMPERIO EJUS LATA EST, POPULUS EI ET IN EUM OMNE SUUM IMPERIUM ET POTESTATEM CONFERAT.

My honeſt friend, in mentioning this extraordinary circumſtance, ſays, one cannot conſider it, *ſine ſtupore*. He obſerves, that theſe lawyers did not quote the Pandects by hear-ſay, but had copies of them; and therefore adds (for I will read on) "Unde magis mirandum quânam ratione evenerit, ut non ſolùm ipſe, adeò judiciis forenſibus clarus et (ſi Biographis ſcriptorum noſtratium fides) profeſſor juris utriuſque Oxonienſis, verùm etiam THORNTONIUS juris aliàs peritiſſimus, et FLETÆ author, adeò diverſam lectionem, ſenſumque diverſum atque interpretibus aliis univerſis adeò alienum in illuſtriſſimo juris Cæſarei loco explicando tam fidentèr admiſerint." The difficulty, you ſee, increaſes upon him. But we ſhall eaſily remove it by obſerving, that the Cæſarean laws, though they had no proper authority

thority with us, yet were much complimented in those times, and were to be treated on all occasions with ceremony. And therefore those lawyers, that lived under and wanted to support a free constitution, saw there was no way of serving their cause so effectually, as by pretending to find it in the *Roman institutes*.

Mr. SOMERS.

This management of *Bracton*, and his followers, makes some amends for the ill conduct of RICHARD the second's lawyers. And as to their chicanery, the ingenuity of the gloss, we will suppose, was no more than necessary to correct the malignity of the text.

Sir J. MAYNARD.

They had, no doubt, consulted their honour much more by insisting roundly, as they might have done, that the text had no concern at all in the dispute. But I mention these things only to shew the extreme reverence, that was then paid to the civil law, by the shifts the common lawyers were put to in order to evade its influence. From which we learn how rooted the love of liberty must have been in this nation, and how unshaken the firmness of the national councils in supporting it, when, notwithstanding the general repute it was of in those days, the imperial law could never gain authority enough to prescribe to us in any matters that concerned the rights of

the crown, or the property of the ſubject. And this circumſtance will be thought the more extraordinary, if it be conſidered, that, to the general eſteem in which the *Roman* law was held by the clergy, our kings have uſually added the whole weight of their influence; except indeed at ſome particular junctures, when their jealouſy of the *canon* law prevailed over their natural bias to the *civil*.

Mr. SOMERS.

I ſhould be unwilling to weaken any argument you take to be of uſe in maintaining the noble cauſe you have undertaken. But, methinks, this charge on our princes would require to be made out by other evidence* than hath been commonly produced for it. There is no boubt but many of them have aimed at ſetting themſelves above the laws of their country, but is it true (I mean though FORTESCUE himſelf† has ſuggeſted the ſame thing) that for this purpoſe they have uſually expreſſed a partiality to the *Roman* laws?

Sir J. MAYNARD.

I believe it certain that they have, and on better reaſons than the bare word of any lawyer whatſoever. What think you of *Richard* the

* Mr. *Selden* himſelf was of the ſame mind. DISS. AD FLET. 1109.

† *De laud. leg. Angl.* c. 33, 34.

ſecond's

ſecond's policy in the inſtance beforementioned? That RICHARD, who uſed to declare, "That "the laws were only in his mouth and breaſt, and that he himſelf could make and unmake them at his pleaſure." We may know for what reaſon a prince of this deſpotic turn had recourſe to the *Roman* law. But even his great predeceſſor is known to have been very indulgent towards it. And ſtill earlier EDWARD I took much pains to eſtabliſh the credit of this law; and to that end engaged the younger ACCURSIUS, the moſt renowned doctor of the age, to come over into *England*, and ſet up a ſchool of it at *Oxford*. Or, to wave theſe inſtances, let me refer you to a certain and very remarkable fact, which ſpeaks the ſenſe, not of this or that king, but of the whole ſucceſſion of our princes. The imperial law, to this day, obtains altogether in the courts of admiralty, in courts mareſcall, and in the univerſities *. On the contrary, in what we call the courts of law and equity, it never hath, nor ever could prevail. What ſhall we ſay to this remarkable difference, or to what cauſe will you aſcribe it, that this law, which was conſtantly excluded with ſuch care from the one ſort of courts, ſhould have free currency and be of ſole authority in the other? I believe it will be difficult to aſſign any other than this: that the ſubjects of deciſion in the firſt ſpecies of courts are matters in the reſort of the king's prerogative,

* DISS. AD FLET. 1102.

ſuch

ſuch as peace and war, and the diſtribution of honours; whilſt the ſubjects of deciſion in the courts of common law are out of his prerogative, ſuch as thoſe of liberty and property. The king had his choice by what law the firſt ſort of ſubjects ſhould be regulated, and therefore he adopted the imperial law. He had not his choice in the latter inſtance; and the people were never ſatisfied with any other than the law of the land.

Mr. SOMERS.

Yet Mr. *Selden*, you know, gives another reaſon of this preference: it was, he thinks, becauſe foreigners are often concerned with the natives in thoſe tribunals where the civil law is in uſe.

Sir J. MAYNARD.

True; but my learned friend, as I conceive, did not attend to this matter with his uſual exactneſs. For foreigners are as frequently concerned in the courts of law and equity, as in the other tribunals. The caſe in point of reaſon is very clear. In all conteſts that are carried on between a native and a foreigner, as the ſubject of another ſtate, the deciſion ought to be by the law of nations. But when a foreigner puts himſelf with a native under the protection of our ſtate, the determination is, of courſe, by our law: and the practice hath uniformly correſponded to the right in the courts of law and equity; in the other tribunals, the right hath given

given way to the will of the prince, who had his reasons for preferring the authority of the imperial law.

Upon the whole, if we consider the veneration, which the clergy usually entertained, and endeavoured to inculcate into the people, for the civil law; the indulgence shewn it by the prince; its prevalence in those courts which were immediately under the prerogative; and even the countenance shewn it at times in the course of pleadings at common law; we cannot avoid coming to this short conclusion, "That the genius of the imperial laws was repugnant to our constitution; and that nothing but the extreme jealousy of the barons, lest they might prove, in pleas of the crown, injurious to civil liberty, hath kept them from being received in *England* on the same footing that we every where find they are in the other countries of *Europe*, and as they are in *Scotland* to this day.

But if you think I draw this conclusion too hastily, and without grounding it on sufficient premises, you may further consider with me, if you please, THE FATE AND FORTUNES OF THE CIVIL LAW IN THIS KINGDOM DOWN TO THE PRESENT TIME *. In the reigns of HENRY VII and VIII, and the two first kings of the house

* The Speaker, if he had been so pleased, might have begun this account of the *fate and fortunes* of the civil law still higher. NAT. BACON, speaking of *Henry* the fifth's reign, observes, of

of STUART, that is, the moſt deſpotic of our princes, the ſtudy of the civil law hath been more eſpecially favoured; as we might conclude from the general ſpirit of thoſe kings themſelves, but as we certainly know from the countenance they ſhewed to its profeſſors; from their chuſing to employ them in their buſineſs, and from the ſalaries and places they provided for their encouragement. Yet ſee the iſſue of all this indulgence to a foreign law, and the treatment it met with from our parliaments and people! The

"The times were now come about, wherein light began to ſpring forth, conſcience to beſtir itſelf, and men to ſtudy the ſcriptures. This was imputed to the idleneſs and careleſſneſs of the clergy, who ſuffered the minds of young ſcholars to luxuriate into errors of divinity, for want of putting them on to other learning; and gave no encouragement to ſtudies of humane literature, by preferring thoſe that were deſerving. The convocation taking this into conſideration, do decree, that no perſon ſhould exerciſe any juriſdiction in any office, as *vicar general*, *commiſſary*, or *official*, or otherwiſe, unleſs he ſhall firſt in the univerſity have taken degrees in the CIVIL OR CANON LAWS. A ſhrewd trick this was to ſtop the growth of the ſtudy of divinity, and *Wickliff's* way: and to embelliſh men's minds with a kind of learning that may gain them preferment, or at leaſt an opinion of abilities beyond the common ſtrain, and dangerous to be meddled with. Like ſome gallants, that wear ſwords as badges of honour, and to bid men beware, becauſe they poſſibly may ſtrike, though, in their own perſons, they may be very cowards. And no leſs miſchievouſly intended was this againſt the rugged COMMON LAW, a rule ſo nigh allied to the goſpel-way, as it favoureth liberty; and ſo far eſtranged from the way of the civil and canon law, as there is no hope of accommodation till Chriſt and Anti-Chriſt have fought the field." DISC. Part ii. p. 90. *Lond.* 1739.

oppreſſions

oppreſſions of EMPSON and DUDLEY had been founded in a ſtretch of power, uſurped and juſtified on the principles of the civil law; by which theſe miſcreants had been enabled to violate a fundamental part of our conſtitution, the way of *trial by* JURIES. The effect on the people was dreadful. Accordingly in the entrance of the next reign, though the authority, by which they had acted, had even been parliamentary, theſe creatures of tyranny were indicted of high treaſon, were condemned and executed for having been inſtrumental in ſubverting LEGEM TERRÆ; and the extorted ſtatute, under which they had hoped to ſhelter themſelves, was with a juſt indignation repealed.

Yet all this was conſidered only as a neceſſary ſacrifice to the clamours of an incenſed people. The younger HENRY, we may be ſure, had ſo much of his father in him, or rather ſo far outdid him in the worſt parts of his tyranny, that he could not but look with an eye of favour on the very law, he had been conſtrained to aboliſh. His great eccleſiaſtical miniſter was, no doubt, in the ſecret of his maſter's inclinations, and conducted himſelf accordingly. Yet the vengeance of the nation purſued and overtook him in good time. They reſented his diſloyal contempt of the original conſtitution; and made it one of the articles againſt this *Roman* cardinal, "That he endeavoured to ſubvert, *Antiquiſſimas leges hujus regni*,

regni, universumque hoc regnum LEGIBUS IMPERIALIBUS *subjicere.*"

From this time the ſtudy of the civil law was thought to languiſh in *England*, till it revived with much ſpirit in the reigns of thoſe unhappy princes who ſucceeded to the houſe of TUDOR. Then indeed, by inclination and by pedantry, JAMES I, was led to patronize and encourage it. And the ſame project was reſumed, and carried ſtill further, by his unfortunate ſon. I ſpeak now from my own experience and obſervation. The civil lawyers were moſt welcome at court. They were brought into the chancery and court of Requeſts. The miniſter, another ſort of man than *Wolſey*, yet a thorough eccleſiaſtic, and bigotted, if not to the religion, yet to the policy of *Rome*, gave a countenance to this profeſſion above that of the common law. He had found the ſpirit, and even the forms of it, moſt convenient for his purpoſe in the STAR-CHAMBER and HIGH-COMMISSION court, thoſe tribunals of imperial juſtice, exalted ſo far above the controul of the common law; and by his good will, therefore, he would have brought the ſame regimen into the other branches of the adminiſtration. Great Civilians were employed to write elaborate defences of their ſcience; to the manifeſt exaltation of the prerogative; to the prejudice of the national rights and privileges; and to the diſparagement of the common law.

The conſequence of theſe proceedings is well known. The moſt immediate was, that they provoked the jealouſy of the common lawyers; and, when the rupture afterwards happened, occaſioned ſo many of the moſt eminent of them to throw themſelves into the popular ſcale *. Yet to ſee the uniformity of the views of tyranny, and the direct oppoſition which it never fails to encounter from the *Engliſh* law, no ſooner had a ſet of violent men uſurped the liberties of their country, and with the ſword in their hands determined to rule deſpotically and in defiance of the conſtitution, than the ſame jealouſy of the common law, and the ſame contempt of it revived. Nay, to ſuch an extreme was the new tyranny carried, that the very game of EMPSON and DUDLEY was played over again. The trial of an *Engliſhman*, by his peers, was diſgraced and rejected; and (I ſpeak from what I felt) the perſon impriſoned and perſecuted, who dared appeal, though in his own caſe †, to the ancient eſ-

* He might have added, in honour of their patriotiſm, that "they afterwards took themſelves out of it," when they ſaw the extremities to which the popular party were driving.

† This alludes to the proceedings againſt the *eleven members* upon the charge of the army. Sir *John Maynard* was one of them. And when articles of high treaſon were preferred againſt him, and the trial was to come on before the lords, he excepted to the juriſdiction of the court, and, by a written paper preſented to them, required to be tried by his peers according to *Magna Charta, and the law of the land.* See WHITLOCKE's *Memorials*; and a ſhort pamphlet written on that occaſion, called THE ROYAL QUARREL, dated 9th of *February*, 1647.—Sir *John* was, at this time, a cloſe priſoner in the Tower.

ſential forms of the conſtitution. Under ſuch a ſtate of things, it is not to be wondered that much pains was taken to depreciate a law which theſe mighty men were determined not to regard. Invectives againſt the profeſſors of the *Engliſh* laws were the uſual and favoured topics of parliamentary eloquence. Theſe were ſometimes ſo indecent and puſhed to that provoking length, that WHITLOCKE himſelf, who paced it with them through all changes, was forced, in the end, to hazard his reputation with his maſters by ſtanding on the neceſſary defence of himſelf and his profeſſion *.

I need not, I ſuppoſe, deſcend lower. Ye have both ſeen with your own eyes the occurrencies of the late reign. Ye have heard the common language of the time. The practice was but conformable to ſuch doctrines as were current at court, where it was generally maintained, that the king's power of diſpenſing with law, was LAW; by which if theſe doctors did not intend the *imperial or civil law*, the inſult was almoſt too groſs to deſerve a confutation. It muſt be owned, and to the eternal ſhame of thoſe who were capable of ſuch baſeneſs, there were not wanting ſome even of the common lawyers that joined in this inſult.

* See his ſpeech, inſerted in his *Memorials of Engliſh affairs*, Nov. 1649.

I but touch these things slightly, for I consider to whom I speak. But if, to these examples of the nation's fondness for their laws, you add, what appears in the tenor of our histories, the constant language of the *coronation-oaths*, *of the oaths of our judges*, and above all of the *several great charters*; in all which express mention is made of the LEX TERRÆ, in opposition to every foreign, but especially the Cæsarean law; you will conclude with me, "That as certainly as the CÆSAREAN LAW is founded in the principles of slavery, our ENGLISH LAW, and the constitution to which it refers, hath its foundation in freedom, and, as such, deserves the care with which it hath been transmitted down to us from the earliest ages."

What think ye now, my good friends? Is it any longer a doubt that the constitution of the *English* government, such I mean as it appears to have been from the most unquestioned annals of our country, is a free constitution? Is there any thing more in the way of this conclusion? Or does it not force itself upon us, and lie open to the mind of every plain man that but turns his attention upon this subject? You began, Mr. *Somers*, with great fears and apprehensions; or you thought fit to counterfeit them at least. You suspected the matter was too mysterious for common understandings to penetrate, and too much involved in the darkness of antient times to be brought

brought into open day-light. Let me hear your free thoughts on the evidence I have here produced to you. And yet it is a ſmall part only of that which might be produced, of that I am ſure which yourſelf could eaſily have produced, and perhaps expected from me. But I content myſelf with theſe obvious truths, "That the liberty of the ſubject appears, and of itſelf naturally aroſe, from the very nature of the FEUDAL, which is properly (at leaſt if we look no further back than the conqueſt) the *Engliſh* conſtitution; that the current of liberty has been gradually widening, as well as purifying in proportion as it deſcended from its ſource; that charters and laws have removed every ſcruple that might ariſe about the reciprocal rights and privileges of prince and people; that the ſenſe of that liberty which the nation enjoyed under their admirable conſtitution was ſo quick, that every the leaſt attempt to deprive them of it, gave an alarm; and their attachment to it ſo ſtrong and conſtant, that no artifice, no intrigue, no perverſion of law and goſpel, could induce them to part with it: that, in particular, they have guarded this precious depoſite of legal and conſtitutional liberty with ſuch care, that, while the heedleſs reception of a foreign law, concurring with other circumſtances, hath rivetted the yoke of ſlavery on the other nations of *Europe*, this of *England* could never be cajoled nor driven into any terms of accommodation with it; but, as NAT. BACON *

* DISC. Part i. p. 78.

ſaid truly, *That the triple crown could never well ſolder with the Engliſh*, ſo neither could the *imperial*; and that, in a word, the ENGLISH LAW hath always been preſerved inviolate from the impure mixtures of the canon and Cæſarean laws, as the ſole defence and bulwark of our civil liberties."

Theſe are the plain truths which I have here delivered to you, and on which I could be content to reſt this great cauſe; I mean, if it had not already received its formal and, I would hope, final determination in another way. For no pretences will ſurely prevail hereafter with a happy people to renounce that liberty, which ſo rightfully belonged to them at all times, and hath now ſo ſolemnly been confirmed to them by the great tranſactions of theſe days. I willingly omit therefore as ſuperfluous, what in a worſe cauſe might have been thought of no ſmall weight, the expreſs teſtimony of our ableſt lawyers to the freedom of our conſtitution. I don't mean only the COKES and SELDENS of our time (though in point of authority what names can be greater than theirs); but thoſe of older and therefore more reverend eſtimation, ſuch as GLANVIL, BRACTON, the author of FLETA, THORNTON, and FORTESCUE*: men the moſt eſteemed

* The reader may not be diſpleaſed to ſee the words of old *Forteſcue* on this ſubject of the origin of the *Engliſh* government, which are very remarkable. In his famous book *De laudibus legum Angliæ*, he diſtinguiſhes between the REGAL and POLITI-

and

and learned in their ſeveral ages; who conſtantly and uniformly ſpeak of the *Engliſh*, as a mixed and limited form of government, and even go ſo far as to ſeek its origin, where indeed the origin of all governments muſt be ſought, in the free will and conſent of the people.

All this I might have diſplayed at large; and to others perhaps, eſpecially if the cauſe had required ſuch management, all this I ſhould have diſplayed. But independently of the judgments of particular men, which prejudice might take occaſion to object to, I hold it ſufficient to have proved from ſurer grounds, from the very form and make of our political fabric, and the moſt unqueſtioned, becauſe the moſt public, monuments of former times, "THAT THE ENGLISH CONSTITUTION IS ASSUREDLY AND INDISPUTABLY FREE.

Bp. BURNET.

You will read, Sir *John*, in our attention to this diſcourſe, the effect it has had upon us. The zeal, with which you have pleaded the cauſe of

CAL forms of government. In explaining the *latter*, which he gives us as the proper form of the *Engliſh* government, he expreſſeth himſelf in theſe words—"Habes inſtituti omnis POLITICI REGNI formam, ex quâ metiri poteris poteſtatem, quam rex ejus in leges ipſius aut ſubditos valeat exercere: ad tutelam namque legis ſubditorum, ac eorum corporum et bonorum rex hujuſmodi erectus eſt, et hanc poteſtatem A POPULO EFFLUXAM ipſe habet, quo ei non licet poteſtate aliâ *ſuo populo dominari*." CAP. xiii.

liberty, makes me almoſt imagine I ſee you again in the warmth and ſpirit of your younger years, when you firſt made head againſt the encroachments of civil tyranny. The ſame cauſe has not only recalled to your memory the old topics of defence, but reſtores your former vigour in the management of them. So that for myſelf, I muſt freely own, your vindication of our common liberties is, at leaſt, the moſt plauſible and conſiſtent that I have ever met with.

Mr. SOMERS.

And yet, if one was critically diſpoſed, there are ſtill, perhaps, ſome things that might deſerve a further explanation.—But enough has been ſaid by you, Sir *John*, to ſhew us where the truth lies: and, indeed, from ſuch plain and convincing topics, that whatever fears my love of liberty might ſuggeſt, they are much abated at leaſt, if not entirely removed by your arguments.

Bp. BURNET.

Mr. *Somers*, I perceive, is not eaſily cured of his ſcruples and apprehenſions. But for my own part, Sir *John*, I can think but of one objection of weight that can be oppoſed to your concluſion. It is, "That notwithſtanding the clear evidence you have produced, both for the free nature of the *Engliſh* conſtitution, and the general ſenſe of the *Engliſh* nation concerning it, yet, in fact, the government was very deſpotic under the TUDOR, and

and ſtill more perhaps under the firſt princes of the STUART line. How could this happen, may it be aſked, on your plan which ſuppoſes the popular intereſt to have been kept up in conſtant vigour, or rather to have been always gaining, inſenſibly indeed but neceſſarily, on the power of the crown? Will not the argument then from hiſtorical evidence be turned againſt you, whilſt it may be ſaid that your theory, however plauſible, is contradicted by ſo recent and ſo well atteſted a part of our hiſtory? And, in particular, will not the partiſans * of the late king and his family

* Our ſage biſhop was not miſtaken in his conjecture. One of theſe *partiſans* has juſt now appeared, who forms his apology for the houſe of *Stuart* on theſe very principles.

He maintains, "That the high prerogative of the crown, ſo much pretended to, and ſo warmly oppoſed, in the reigns of the houſe of *Stuart*, had been exerciſed by their predeceſſors of the *Tudor* line; and that the adminiſtration of that family had been, in a high degree, imperious, arbitrary, and deſpotic."

Admitting his premiſes, what follows? Why, "That therefore the patriots, to whom we owe our preſent, and, it ſeems, lately uſurped liberties, are little deſerving of thoſe praiſes, which have been ſo liberally beſtowed upon them; and that the memory of the houſe of *Stuart*, from whom they were uſurped, cannot be foſtered with too much tenderneſs and compaſſion." I hardly miſtake his meaning; but his own words, as decency required, are ſomething ſofter—"The praiſe, which we beſtow on thoſe patriots, to whom we are indebted for our privileges, ought to be given *with ſome reſerve*, and ſurely *without the leaſt rancour* againſt thoſe who adhered to the ancient conſtitution *."

Now, though this apology for the unhappy *Scotiſh* line be very generous, every one may not be brought to feel the force of his concluſion. For how does it follow, that, becauſe the arbitrary

* Mr. HUME's *Hiſt. of England.* ELIZABETH, p. 716.

have

have to alledge in their behalf, that their notions of the prerogative were but such as they succeeded to with the crown; and, whatever may be

government of one family was born with by the people, in certain critical conjunctures, or was necessary to be complied with for certain temporary and political ends, *therefore* they should suffer another family to confirm and perpetuate that tyranny; when their own more ancient privileges, and the very genius of their constitution, reclaimed against it; and when all the reasons had now ceased, which had produced and seemed to merit that indulgence?

He tells us indeed, that "in the particular exertions of power, the question ought never to be forgot, *what is best?* But, in the general distribution of power among the several members of a constitution, there can seldom be admitted any other question, than *what is usual* ?*"

Were this true, is that *use* to be estimated only from the immediately preceding times? At this rate I desire to know how a free constitution could ever support itself in any country? Ambition, intrigue, expediency, neglect, and even chance itself are constantly introducing, and for a time will frequently continue, infringements of a people's rights. And shall usurpation, under the name of *use*, be presently pleaded against the resumption of them?

"But whether these patriots were to blame, or no, for opposing *what was usual*, surely that family, who followed so reasonable a rule, or, in the historian's language, *who adhered to the ancient constitution*, can be thought deserving of no great censure."

What, not for endeavouring to rivet those chains of servitude, which their predecessors had been kindly forging, on the necks of their subjects? Not, for endeavouring to turn irregularities into precedent, and extravagancies into system, and so to enslave a mighty people beyond all hopes of redemption?

But what, after all, is this *ancient constitution* to which he appeals? He is something shy of answering the question; and it is

* Elizabeth, p. 716.

pretended

pretended from reſearches into remoter times, that they endeavoured only to maintain the monarchy on the footing on which it had ſtood

well we can do it ourſelves by reflecting on what he has dropped, not without deſign, elſewhere; I mean, in the former part of this hiſtory *, where he warns us *againſt the curioſity of looking further back into the* Engliſh *affairs than the acceſſion of the* Tudor *family*, that is, of that very family, which had given birth to *his ancient conſtitution*. "Here, ſays the hiſtorian, commences the uſeful, as well as agreeable part of modern annals.—Whoever carries his *anxious* reſearches into preceding periods is moved by a curioſity, liberal indeed and commendable; not by any neceſſity for acquiring a *knowledge of public affairs*, or the arts of *civil government*."

This warning to his reader was kind, but will hardly be taken by thoſe for whoſe ſake it is intended; the friends of liberty knowing very well that the *Engliſh* conſtitution was formed, and even fixed, on immoveable principles of public freedom long before the acceſſion of the houſe of *Tudor*. So that to interdict our reſearches into the remoter parts of our hiſtory is, in effect, to bid us ſhut our eyes, and ſwear againſt day-light. It is juſt as reaſonable as to ſay that, to judge of the *Greek* and *Roman* conſtitutions, there is no need of going further back in our reading than to the reign of PISISTRATUS, or the dictatorſhip of SYLLA, for that all before thoſe æras contributeth nothing to a knowledge of the thing in queſtion.—But, in the free ages of *Greece* and *Rome*, would any hiſtorian of either nation have given this counſel to his fellow-citizens?

Thus much, and no more, I preſume to ſay, as Editor of theſe DIALOGUES on the *Engliſh Conſtitution*; which are luckily ſo compounded, as to afford a ſeaſonable antidote to the poiſon of this new hiſtory. For if it be true, as the *firſt* of them pretends, "That we had a *free conſtitution* for ages, before it ſuffered an interruption under the baleful influence of the *Tudors*;" and a reaſonable account be given, in the *ſecond*, "Why the nation was content to repoſe itſelf for a time under the ſhade of deſpotiſm,

* HENRY VII. p. 67.

for

for many ſucceſſions, and on which it then ſtood when the adminiſtration fell into their hands? If this point were effectually cleared, I ſee nothing that could be further deſired to a full and complete vindication of *Engliſh* liberty.

Sir J. MAYNARD.

Your lordſhip, I muſt own, has touched a very curious and intereſting part of our ſubject. But you muſt not believe it was ſo much overlooked by me, as purpoſely left for your lordſhip's better conſideration. You, who have looked ſo minutely and carefully into the ſtory of thoſe times, will, better than any other, be able to unfold to us the myſteries of that affair. The fact is certain, as you ſay, that the *Engliſh* government wore a more deſpotic appearance from the time of the TUDOR family's acceſſion to the throne, than in the reigns preceding that period. But I am miſtaken, if your lordſhip will not open the reaſon of it ſo clearly as to convince us, that that increaſe of prerogative was no proof of a change in the conſtitution, and was even no ſymptom of declining liberty. I do not allow myſelf to ſpeak my ſentiments more plainly at preſent. But I am ſure, if they are juſt, they will receive a confirmation from what your lordſhip will find

while the veſtal fires of liberty burnt faintly indeed, but were not extinguiſhed;" the reader is left to himſelf to anſwer that inſulting queſtion, *Whether it was the people, who encroached upon the ſovereign, or the ſovereign, who attempted to uſurp on the people**.

* Pag. 611.

occaſion

occaſion to obſerve to us in diſcourſing on this ſubject.

Mr. Somers.

I will not diſown that this was one of the matters I had in view, when I hinted ſome remaining doubts about your general concluſion. But I knew it would not eſcape my lord of *Saliſbury*, who, of all others, is certainly the moſt capable of removing it.

Bp. Burnet.

So that I have very unwarily, it ſeems, been providing a fine taſk for myſelf. And yet, as difficult as I foreſee it will be for me to ſatisfy two ſuch Inquirers, I ſhould not decline that taſk, if I was indeed prepared for it, or, if I could boaſt of ſuch a memory as Sir *J. Maynard* has ſhewn in the courſe of this converſation. But the truth is, though I have not wanted opportunities of laying in materials for ſuch a deſign, and though I have not neglected to take ſome ſlight notes of them, yet I cannot pretend to have them at once in that readineſs, as to venture on ſuch a diſcourſe as I know you expect from me. But, if againſt our next meeting, I ſhall be able to digeſt ſuch thoughts as have ſometimes occured to me when I was engaged in the hiſtory of the reformation, I ſhall take a pleaſure to contribute all I can to the further and more entire elucidation of this ſubject.

DIALOGUE VI.

ON THE

CONSTITUTION

OF THE

ENGLISH GOVERNMENT.

Sir JOHN MAYNARD, Mr. SOMERS,
Biſhop BURNET.

Written in the Year 1689.

Atque hæc deinde canit divino ex ore SACERDOS.
VIRG.

DIALOGUE VI.

Sir JOHN MAYNARD, Mr. SOMERS, Biſhop BURNET*.

To Dr. TILLOTSON.

OUR next meeting at Sir J. MAYNARD's was on the evening of that day, when the war was proclaimed againſt *France**. What the event of it will be, is a ſecret in the counſels of providence. But if the goodneſs of our cauſe, his majeſty's known wiſdom and ability, and above all the apparent zeal and firmneſs of all orders amongſt us in ſupport of this great undertaking, may give a proſpect of ſucceſs, we cannot, I perſuade myſelf, but indulge in the moſt reaſonable hopes and expectations.

Perhaps, the time is approaching, my dear friend, which the divine goodneſs hath decreed for putting a ſtop to that outrageous power, which hath been permitted for ſo long a courſe of years to afflict the neighbouring nations. It may be, the ſeaſon is now at hand, when God

* *May* 7, 1689.

will vouchsafe to plead the cause of his servants, and let his mighty persecutor of the faithful know that he may not be suffered any longer to trample on the sacred rights of conscience. He may be taught to feel, that the ravages he hath committed in the fairest provinces, and the cruelties he hath exercised on the best subjects, of his own kingdom, have at length awakened the divine displeasure against him. And he may live to find in our great prince (raised up, as I verily believe, to this eminence of place and power to be the scourge of tyrants, and the vindicator of oppressed nations) an insurmountable bulwark against that encroaching dominion, which threatens to deform and lay waste the rest of *Europe*.

I have already lived to see those providences, which may encourage a serious and good mind to believe that some great work is preparing in our days. I was very early in my life a witness to the high measures which were taken and carried on by an intolerant hierarchy, acting in subserviency to an arbitrary court, in mine own country of *Scotland*. And I have lamented the oppression in which good men were held for conscience sake in all the three kingdoms. How far this tyranny was carried, and how near we were brought to the destruction of all our civil and religious rights need not be told, and the occurrences of the two last reigns will not suffer to be

forgotten. It is ſufficient to obſerve, that when the danger was now brought to a criſis, and the minds of all men were filled with the moſt alarming apprehenſions, it pleaſed God to reſcue us in a moment, and, by the moſt aſtoniſhing diſplay of his goodneſs, from the impending ruin. Our chains fell off at once, as by a miracle of mercy. Our civil rights have been reſtored. And the legal toleration *, we have juſt now obtained in conſequence of the new ſettlement, hath put us into poſſeſſion of that religious liberty, which, as men, as chriſtians, and as proteſtants, we cannot but eſteem the firſt of all public bleſſings.

And who knows but that, in the gracious deſigns of heaven, the ſame hand, which hath redeemed theſe nations from the yoke of ſlavery and of *Rome*, may be now employed to ſhake it off from the necks of our proteſtant brethren on the continent †? The world hath ſeen how long and how ſeverely they have groaned under that

* The act of toleration did not paſs till *May* 24, 1689; which lets us ſee at what time this preface was drawn up.

† This, I ſuppoſe, was the talk of men at that time. It was perhaps in the King's intention. But the deſign, if it had ever been formed, miſcarried; as the biſhop himſelf obſerves in his hiſtory—"The moſt melancholy part of the treaty of *Ryſwick* was, that no Advantages were got by it, in favour of the proteſtants in *France*." Vol. iv. p. 295. *Edinb* 1753.—Whether the blame of this lies in the King, or his parliaments, or neither, the reader is left to judge for himſelf from conſidering the ſtate and tranſactions of thoſe times.

intolerant power, with which we are now at war. When the violences of the late reign had driven me into a ſort of voluntary exile, and in the courſe of it I traverſed ſome of thoſe unhappy provinces of *France*, which were moſt expoſed to the rigours of perſecution *, how have theſe eyes wept over the diſtreſſes of the poor ſufferers, and how hath my heart bled for the mercileſs cruelties which I every where ſaw exerciſed upon them! The fury, which appeared on that occaſion, was ſo general and ſo contagious, that not only prieſts and court ſycophants, but men of virtuous minds and generous tempers were tranſported, as it were, out of their proper

* Theſe rigours which the biſhop touches in this place, he afterwards gave a particular account of in THE HISTORY OF HIS OWN TIMES, vol. iii. *Edinb.* 1753.—ſpeaking of the perſecution of the *French* proteſtants, he ſays, "I went over a great part of *France*, while it was in its hotteſt rage from *Marſeilles* to *Montpelier*, and from thence to *Lyons*, and ſo on to *Geneva*. I ſaw and knew ſo many inſtances of their injuſtice and violence, that it exceeded even what could have been well imagined; for all men ſet their Thoughts on work to invent new methods of cruelty. In all the towns through which I paſſed, I heard the moſt diſmal accounts of things poſſible, p. 60.—Again—The fury that appeared on this occaſion did ſpread itſelf with a ſort of contagion: for the intendants and other officers, that had been mild and gentle in the former parts of their life, ſeemed now to have laid aſide the compaſſion of Chriſtians, the breeding of gentlemen, and the impreſſions of humanity." p. 61.—One may conclude from the likeneſs of theſe paſſages, that the biſhop, in this recital, purpoſely copied from the looſe papers, that were then in his hands, out of which he afterwards compoſed his Memoirs.

nature,

nature, and ſeemed to diveſt themſelves of the common notices and principles of humanity.

In this fiery trial it hath pleaſed God to exerciſe the faith and virtues, and, as we may charitably hope, to correct the failings and vices of his poor ſervants. His mercy may now, in due time, be opening a way for them to eſcape. And from the proſperous beginning of this great work, what comfortable preſages may we not, in all humility, form to ourſelves of ſtill further ſucceſſes?

We have a prince on the throne exactly qualified for the execution of this noble enterprize; of the cleareſt courage and magnanimity, and a wiſdom tried and perfected in that beſt ſchool, of Adverſity; of diſpoſitions the moſt enlarged to the ſervice of mankind; and even quickened by his own perſonal reſentment of former injuries to retaliate againſt their common oppreſſor.

Nor can we doubt of the concurrence of his faithful ſubjects, who, with one voice, have demanded the commencement of this war; and whoſe late deliverance, from like circumſtances of diſtreſs, may be expected to animate their zeal in the ſupport of it.

And oh! that I might ſee the day, when our deliverer ſhall become, what a bold uſurper nobly

figured to himſelf in the middle of this century *, the ſoul and conductor of the proteſtant cauſe through all *Europe!* and, that as *Rome* hath hitherto been the centre of ſlaviſh impoſitions and anti-chriſtian politics, the court of *England* may henceforth be the conſtant refuge and aſylum of fainting liberty and religion!

But to turn from theſe flattering views, my good friend, to the recital of our late converſation; which I proceed to lay before you with the ſame exactneſs and punctuality that I did the former. You will ſee the reaſon why I cannot promiſe you the ſame entertainment from it.

We had no ſooner come together, than Sir *J. Maynard* began with his uſual vivacity. "I have been thinking, my lord, how dexterous a game I have played with you in this inquiry of ours into the *Engliſh* government. What was obvious enough in itſelf, and had indeed been undertaken by many perſons, I mean the vindication of our common liberties as founded in the ancient feudal conſtitution, is the part I aſſumed to myſelf in this debate; and have left it to your lordſhip to reconcile the FACT to the RIGHT; which is not only the moſt material point of inquiry, but the moſt difficult; and that which the patrons of li-

* He means Cromwell, who, it ſeems, had a deſign of ſetting up "a council for the proteſtant religion, in oppoſition to the congregation *De propagandâ fide* at *Rome*." See the biſhop's own account in his Hiſt. vol. i. p. 109.

berty

berty have either leſs meddled with, or have leſs ſucceeded in explaining. For to own an unwelcome truth, however ſpecious our claim may be to civil liberty, the adminiſtration of government from the time of *Henry* VII's acceſſion to the crown, that is, for two entire centuries, has very little agreed to this ſyſtem. The regal power, throughout this period, has been uniformly exerciſed in ſo high and arbitrary a manner, that we can hardly believe there could be any certain foundation for the people's claim to a limited monarchy. Add to this, that the language of parliaments, the decrees of lawyers, and the doctrines of divines, have generally run in favour of the higheſt exertions of prerogative. So that I cannot but be in ſome pain for the ſucceſs of your undertaking, and am at a loſs to conjecture in what way your lordſhip will go about to extricate yourſelf from theſe difficulties.

Bp. BURNET.

I underſtand, Sir *John*, that your intention in ſetting forth the difficulties of this attempt is only, in your polite way, to enhance the merit of it. I muſt not however aſſume too much to myſelf. The way is clear and eaſy before me. You have conducted us very agreeably through the rough and thorny part of our journey. You have opened the genius of our ancient conſtitution. You have explained the principles on which it was raiſed. All that remains for me is only to ſolve

doubts, and rectify appearances; a matter of no great difficulty, when, inſtead of groping in the dark, we are now got into open day-light, and are treading in the paths of known and authentic hiſtory.

Mr. SOMERS.

And yet, my lord, I ſhall very readily acknowledge, with my lord commiſſioner, the importance of the ſervice. For, unleſs appearances be ſtrangely deceitful indeed, there is but too great reaſon to conclude, from the recent parts of our hiſtory, either that there never was a rightful claim in the people to civil liberty, or that they, as well as their princes, had loſt all ſenſe of it. I doubt the moſt your lordſhip can make appear, is, that as our kings, from the coming of the *Tudor* line, had uſurped on the ancient privileges of the ſubject, ſo the ſubject, at length, in our days, has, in its turn, uſurped on the undiſputed and long acknowledged prerogative of the ſovereign. In ſhort, I doubt there is no forming a connected ſyſtem on theſe ſubjects; but that in our country, as well as in others, liberty and prerogative have prevailed and taken the aſcendant at different times, according as either was checked or favoured by contingent circumſtances.

Bp. BURNET.

Still Mr. *Somers*, I ſee, is on the deſponding ſide: and with better reaſon than before, ſince, if the difficulty be half ſo great, as is pretended, this

this change of the ſpeaker is little favourable to the removal of it. However I do not deſpair, whether theſe ſurmiſes of difficulty be real or diſſembled, to clear up the whole matter to both your ſatisfactions. The ſtreſs of it lies here: That, whereas a mixed and limited government is ſuppoſed to have been the antient conſtitution in this country, the appearances, in fact, for a couple of centuries, have been ſo repugnant to this notion, that either the ſuppoſition muſt be given up as too haſtily formed, or ſufficient reaſons muſt be aſſigned for theſe contradictory appearances. I embrace the latter part of this alternative without heſitation or reſerve; and pretend to lay before you ſuch unanſwerable arguments for the cauſe I have undertaken, as, in better hands, might amount to a perfect vindication of ENGLISH LIBERTY.

I take my riſe from the period which my lord commiſſioner has preſcribed to me; that is, from the acceſſion of the Tudor family.

We have henceforth indeed a ſucceſſion of high deſpotic princes, who were politic and daring enough to improve every advantage againſt the people's liberties. And their peculiar characters were well ſuited to the places in which we find them. *Henry* VII was wiſe and provident; jealous of his authority, as well as title; and fruitful in expedients to ſecure both. His ſon and ſucceſſor, who had a ſpirit of the largeſt

ſize,

ſize, and, as one ſays*, *feared nothing but the falling of the heavens*, was admirably formed to ſuſtain and eſtabliſh that power, which the other had aſſumed. And after two ſhort reigns, which afforded the people no opportunity of recovering their loſt ground, the crown ſettled on the head of a princeſs, who, with the united qualifications of her father and grandfather, ſurpaſſed them both in the arts of a winning and gracious popularity. And thus, in the compaſs of a century, the prerogative was now wound up to a height, that was very flattering to the views and inclinations of the *Stuart* family.

It may be further obſerved, that the condition of the times was ſuch as wonderfully conſpired with the deſigns and diſpoſitions of theſe princes.

A long and bloody war, that had well nigh exhauſted the ſtrength and vitals of this country, was, at length, compoſed by the fortunate ſucceſſes of *Boſworth field*. All men were deſirous to breathe a little from the rage of civil wars. And the enormous tyranny of the prince, whoſe death had made way for the exaltation of the earl of *Richmond*, was a ſort of foil to the new government, and made the rigours of it appear but moderate when ſet againſt the cruelties of the preceding reign.

* Nat. Bacon, in his Disc. Part ii. p. 125. *Lond.* 1739.

The

The great change that followed in the deliverance of the nation from papal tyranny, and the ſuppreſſion of religious houſes, was a new pretence for the extenſion of the royal prerogative; and the people ſubmitted to it with pleaſure, as they ſaw no other way to ſupport and accompliſh that important enterprize.

And, laſtly, the regal power, which had gained ſo immenſely by the rejection of the papal dominion, was carried ſtill higher by the great work of reformation; which, being conducted by a wiſe and able princeſs, was eaſily improved, on every occaſion, to the advantage of the crown.

And thus, whether we conſider the characters of the perſons, or the circumſtances of the times, every thing concurred to exalt the princes of the houſe of *Tudor* to a height of power and prerogative, which had hitherto been unknown in *England*, and became, in the end, ſo dangerous to the conſtitution itſelf.

But you expect me, I ſuppoſe, to point to the very examples of uſurpation, I have in view, and the means by which it took effect in the hands of theſe and the ſucceeding princes.

Sir J. MAYNARD.

We do, indeed, expect that from your lordſhip. For otherwiſe it will be thought that what you

you treat as an uſurpation, was but the genuine exerciſe of the regal authority; only favoured by fortunate conjunctures, and, as you ſay, by great ability in the princes themſelves.

Mr. SOMERS.

Perhaps ſtill more will be expected. For it may not be enough to tell us, what uſurpations there were, or even by what means they became ſucceſsful. It ſhould further appear, methinks, that theſe uſurpations, though they ſuſpended the exerciſe of the people's liberties, did not deſtroy them; did not at leaſt infringe on the conſtitution from which thoſe liberties were derived.

Bp. BURNET.

All this will naturally come in our way as we go along. And, ſince you will have me uſurp the chair on this occaſion, and, like the princes I am ſpeaking of, take to myſelf an authority to which I have no right, let me preſume a little on my new dignity; and, in what follows, diſcourſe to you, as our manner is, without interruption or reply.

Sir J. MAYNARD.

This, it muſt be owned, is carrying the prerogative of the chair to its utmoſt height. But, if we ſubmit to it in other places, is it reaſonable you ſhould require us to do ſo here? Beſides, your lordſhip forgets that I am too old to be a patient hearer. And Mr. *Somers* too —

Mr.

Mr. SOMERS.

I can engage, in this inſtance, for paſſive obedience. And my lord, perhaps, does not inſiſt on the full extent of his prerogative. It is fit, however, we attend with reverence, while ſuch an advocate is pleading in ſuch a cauſe.

Bp. BURNET.

I was ſaying that all your demands would be ſatisfied, as I went along in this diſcourſe. It is true, an attentive reader of our hiſtory, who conſiders what is ſaid of the mixed frame of our government, and the ſtruggles that were occaſioned by it, is ſurpriſed to find that theſe contentions at once ſubſided on the acceſſion of the houſe of *Tudor*; and that the tenour of the government thenceforth for many ſucceſſions is as calm, and the popular influence as ſmall, as in the moſt abſolute and deſpotic forms. This appearance tempts him to conclude that the crown had at length redeemed itſelf from a forced, unconſtitutional ſervitude; and that, far from uſurping on the people, it only returned to the exerciſe of its old and acknowledged rights. For otherwiſe it will be ſaid, how could the people at once become ſo inſenſible, and their repreſentatives in parliament ſo tame, as to bear with the moſt imperious of their princes without reluctance; they, who had reſented much ſmaller matters from the gentleſt and the beſt?

But

But thoſe, who talk in this ſtrain, have not conſidered, that there were ſome circumſtances in the ſtate of things, from the time we are ſpeaking of, that DISABLED the nation from inſiſting, and many more that INDISPOSED them to inſiſt on their antient and undoubted rights.

I took notice, that the ruinous contentions of the two houſes of *York* and *Lancaſter*, from which the nation was at laſt delivered by the acceſſion of *Henry* VII, diſpoſed all men to ſubmit with ſatisfaction to the new government. Such a conjuncture was favourable, of itſelf, to the increaſe of the regal power. But the truth is, there was little danger of any ſucceſsful oppoſition to the crown, if the nation had been ever ſo ill inclined towards it. The great lords, or barons, were, in former days, both by the feudal conſtitution, and by the vaſt property they had in their hands, the proper and only check on the ſovereign. Theſe had been either cut off, or ſo far weakened at leaſt by the preceding civil wars, that the danger ſeemed entirely over from that quarter. The politic king was aware of his advantage, and improved it to admiration. One may even affirm, that this was the ſole object of his government.

For the greater ſecurity, and majeſty of his perſon, he began with the inſtitution of his LIFE-GUARD. And having thus ſet out with enlarging

larging his own train, his next care was to diminiſh that of his nobles. Hence the law, or rather laws (for as lord *Bacon* obſerves, there was ſcarcely a parliament through his whole reign which paſſed without an act to that purpoſe) againſt RETAINERS. And with how jealous a ſeverity he put thoſe laws into execution, is ſufficiently known from his treatment of one of his principal friends and ſervants, the earl of *Oxford* *.

It was alſo with a view to this depreſſion of the nobility, that the court of STAR-CHAMBER was conſidered ſo much, and confirmed by act of parliament in his reign: "That which was principally aimed at by it being, as his hiſtorian frankly owns, FORCE, and the two chief ſupports of Force, COMBINATION OF MULTITUDES, and maintenance or HEADSHIP OF GREAT PERSONS."

To put them ſtill lower in the public eſtimation, he affected to fill the great offices with churchmen only. And it was, perhaps, as much to awe the nation by the terror of his prerogative as to fill his coffers, that he executed the penal laws with ſo mercileſs a rigour on the very greateſt of his ſubjects.

Still further, to prevent the poſſibility of a return, in any future period, of the patrician power, this politic prince provided with great care for

* The ſtory is told by lord *Bacon* in his hiſtory of this prince.

the

the encouragement of trade, and the distribution of property. Both which ends were effected at once by that famous act, which was made to secure and facilitate the alienation of estates by fine and proclamation.

All these measures, we see, were evidently taken by the king to diminish the credit and suppress the influence of his nobles; and of consequence, as he thought, to exalt the power of the crown above controul, if not in his own, yet in succeeding ages. And his policy had this effect for some time; though in the end it proved, besides his expectation, to advance another and more formidable power, at that time little suspected or even thought of, the POWER OF THE PEOPLE *.

The truth is, *Henry's* policy was every way much assisted by the genius of the time. Trade was getting up: and lollardism had secretly made its way into the hearts of the people. And, tho' *liberty* was in the end to reap the benefit of each, *prerogative* was the immediate gainer. Commerce in proportion to its growth, brought on the decline of the feudal, that is, aristocratic power of the barons: and the authority of the church, that other check on the sovereign, was

* He did not consider that maxim of the lord *Bacon*, "Depression of the nobility may make a king more absolute, but less safe." *Works*, vol. iii. p. 296.

gradually

gradually weakened by the prevailing ſpirit of reformation.

Under theſe circumſtances, *Henry* found it no difficulty to depreſs his great lords; and he did it ſo effectually, that his ſon had little elſe left him to do, but to keep them down in that weak and diſabled ſtate, to which his father had reduced them. 'Tis true, both he and his ſucceſſors went further. They never thought themſelves ſecure enough from the reſiſtance of their old enemies, the baron *; and ſo continued, by every method of artifice and rapine, to ſink them much lower than even the ſafety of their own ſtate required. But the effects of this management did not appear till long afterwards. For the preſent, the crown received a manifeſt advantage by this conduct.

There was, beſides, another circumſtance of great moment attending the government of the younger *Henry*. He was the firſt heir of the white and red roſes: ſo that there was now an end of all diſpute and diſaffection in the people. And they had ſo long and ſo violently contended about the title to the crown, that when that mighty point was once ſettled, they did not readily apprehend that any other conſideration de-

* And yet lord *Bacon* tells us, that when *Henry* VIII came to the crown, "There was no ſuch thing as any great and mighty ſubject, who might any way eclipſe or overſhade the imperial power." *Works*, vol. iii. p. 508.

ſerved, or could juſtify reſiſtance to their ſovereign.

With theſe advantages of ſituation *Henry* VIII, brought with him to the throne a ſpirit of that firm and ſteddy temper as was exactly fitted to break the edge of any riſing oppoſition. Beſides the confidence of youth, he was of a nature ſo elate and imperious, ſo reſolved and fearleſs *, that no reſiſtance could ſucceed, hardly any thought of it could be entertained againſt him. The commons, who had hitherto been unuſed to treat with their kings but by the mediation of the great lords, being now puſhed into the preſence, were half diſcountenanced in the eye of majeſty; and durſt ſcarcely look up to the throne, much leſs diſpute the prerogatives with which ſo awful a prince was thought to be inveſted.

And when the glaring abuſe of his power, as in the exaltation of that great inſtrument of his tyranny, WOLSEY, ſeemed afterwards to provoke the people to ſome more vigorous reſolutions, a ſingular event happened which not only preſerved his greatneſs, but brought a further increaſe to it. This was the famous rupture with the court of *Rome:* in conſequence of which the yoke of papal uſurpations, that yoke under which our kings had groaned for ſo many ages, was in

* "A man, as Mr. *Bacon* characteriſes him, underneath many paſſions, but above fear." DISC. Part ii. p. 120.

a moment broken off, and the crown reſtored to its full and perfect independency.

Nor was this all. The throne did not only ſtand by itſelf, as having no longer a dependence on the papal chair. It roſe ſtill higher, and was, in effect, erected upon it. For the eccleſiaſtical juriſdiction was not annihilated, but transferred; and all the powers of the *Roman* pontif now centered in the king's perſon. Henceforth then we are to regard him in a more awful point of view; as armed with both ſwords at once; and as NAT. BACON expreſſes it in his way, as a ſtrange kind of monſter, "A king with a pope in his belly*."

The remainder of his reign ſhews that he was politic enough to make the beſt uſe of what his paſſions had brought on, and thus far accompliſhed. For though the nation wiſhed, and, without doubt, hoped to go much further, the king's quarrel was rather with the court, than church of *Rome*. And the high authority in ſpirituals, which he had gained, enabled him to hold all men, who either feared or deſired a further reformation, in the moſt entire ſubjection.

In the mean time, the nation rejoiced with great reaſon at its deliverance from a foreign tyranny: and the laviſh diſtribution of that wealth which flowed into the king's coffers from

* Disc. Part ii. p. 125.

the ſuppreſſed monaſteries, procured a ready ſubmiſſion, from the great and powerful to the king's domeſtic tyranny.

In a word, every thing contributed to the advancement of the regal power; and, in that, to the completion of the great deſigns of providence. The amazing revolution, which had juſt happened, was, at all events, to be ſupported: and thus, partly by fear, and partly by intereſt, the parliament went along with the king in all his projects; and, beyond the example of former times, was conſtantly obſequious to him even in the moſt capricious and inconſiſtent meaſures of his government.

And thus matters, in a good degree, continued till the acceſſion of queen *Elizabeth*. It is true, the weak adminiſtration of a minor king, and a diſputed title at his death, occaſioned ſome diſorders. But the majeſty of the crown itſelf was little impaired by theſe buſtles; and it even acquired freſh glory on the head of our renowned proteſtant princeſs.

For that aſtoniſhing work of reformation, ſo happily entered upon by *Henry*, and carried on by his ſon, was, after a ſhort interruption (which only ſerved to prove and animate the zeal of good men) brought at length by her to its final eſtabliſhment. The intolerable abuſes and ſhameleſs corruptions of popery were now ſo notorious

notorious to all the world, and the ſpirit of reformation, which had been ſecretly working ſince the days of *Wickliff*, had now ſpread itſelf ſo generally through the nation, that nothing but an entire renunciation of the doctrine and diſcipline of the church of *Rome* could be expected. And by the happieſt providence the queen was as much obliged by the intereſt of her government and the ſecurity of her title, as by her own unſhaken principles, to concur with the diſpoſitions of her ſubjects.

Thus, in the end, proteſtantiſm prevailed, and obtained a legal and fixed ſettlement. But to maintain it, when made, againſt the combined powers that threatened its deſtruction, the crown, on which ſo much depended, was to be held up in all its ſplendor to the eyes of our own and foreign nations. Hence the height of prerogative in *Elizabeth's* days, the ſubmiſſion of parliaments, and, I may almoſt ſay, the proſtration of the people.

And when this magnanimous princeſs, as well by her vaſt ſpirit and perſonal virtues, as the conſtant ſucceſſes of her long reign had derived the higheſt dignity and authority on the *Engliſh* ſceptre, it paſſed into the hands of the elder *James*; who brought ſomething more with him, than a good will, the acceſſion of a great kingdom and the opinion of deep wiſdom, to enable him to wield it.

What followed in his and the ſucceeding reigns, I need not be at the pains to recount to you. Theſe things are too recent for me to dwell upon; and you, my lord-commiſſioner, do not only remember them perfectly, but have yourſelf acted a great part in moſt of them. Allow me only to ſay, that from this brief hiſtory of the regal authority, and the means by which it arrived at ſo unuſual a greatneſs, it is no wonder that the *Stuart* family were ſomewhat dazzled by the height to which they were raiſed, and that more than half a century was required to correct, if it ever did correct, the high but falſe notions they had entertained of the imperial dignity.

Sir J. MAYNARD.

If you permit me, at laſt, to break in at the opening which this concluſion of your diſcourſe ſeems to give me, I would ſay, That, on your principles, the houſe of *Stuart* had great reaſon for the high notions you aſcribe to them. For what other concluſion could they make but that a power, which had domineered for ſo long a time, and that by the full allowance of parliament and people, was, both in fact and right, abſolute and uncontrolable?

Bp. BURNET.

It is certain, the *Stuart* family did draw that concluſion. But a great deal too haſtily; as may appear

appear from your own obſervation, that the exerciſe of this extraordinary power was committed, or more properly indulged to them by the people. This is ſo ſtrictly true, that from the firſt to the laſt of the *Tudor* line, imperious and deſpotic as they were, of their own nature, no ſtretch of power was ventured upon by any of them, but under the countenance and protection of an act of parliament. Hence it was that the STAR-CHAMBER, though the juriſdiction of this court had the authority of the common law, was confirmed by ſtatute; that the proceedings of EMPSON and DUDLEY had the ſanction of parliament; that *Henry* VIII's ſupremacy, and all acts of power dependent upon it, had the ſame foundation: in a word, that every thing, which wore the face of an abſolute authority in the king, was not in virtue of any ſuppoſed inherent prerogative in the crown, but the ſpecial grant of the ſubject. No doubt, this compliance, and particularly if we conſider the lengths to which it was carried, may be brought to prove the obſequious and even abject diſpoſitions of the times; though we allow a great deal, as I think we ſhould, to prudence and good policy. But then the parliaments, by taking care to make every addition to the crown their own proper act, left their kings no pretence to conſider themſelves as abſolute and independent.

Mr. SOMERS.

I doubt, conſidering the ſlaviſh diſpoſition of the times, that, if the people ſtill poſſeſſed a ſhew

of liberty, this advantage was owing to the pure condescension of the crown, and not to their own policy. A king that could obtain of his parliament to have his proclamations pass for laws *, might have ventured on this step without the concurrence of parliament.

Bp. BURNET.

I acknowledge the act you glance at was of an extraordinary kind; and might seem, by implication at least, to deliver up the entire legislative authority into the hands of the sovereign. But there is a wide difference between the crown's usurping this strange power, and the parliament's bestowing it. The case was (and nothing could be more fortunate for the nation) that at the time when the people were least able to controul their prince, their prince's affairs constrained him to court his people. For the rejection of the papal power and the reformation of religion were things of that high nature and so full of hazard, that no expedient was to be overlooked, which tended to make the execution of these projects safe or easy. Hence it was that no steps were taken by the crown but with the consent and approbation of the two houses. And if these were compelled by the circumstances of their situation to favour their prince's interest or caprice by absurd and inconsistent compliances, this benefit at least they drew to themselves, that

* This terrible act is 31 *Hen.* VIII. c. 8. It was repealed in 1 *Edw.* VI. c. 12.

their

their power by that means would appear the greater and more unqueſtionable. For what indeed could diſplay the omnipotency of parliaments more than their being called in to make and unmake the meaſures of government, and give a ſanction, as it were, to contradictions? Of which there cannot be a ſtronger inſtance than the changes they made from time to time, as *Henry* VIII's paſſions ſwayed him, in the rule of ſucceſſion.

Thus we ſee that through the entire reigns of the houſe of *Tudor*, that is, the moſt deſpotic and arbitrary of our princes, the forms of liberty were ſtill kept up, and the conſtitution maintained, even amidſt the advantages of all ſorts which offered for the deſtruction of both. The parliament indeed was obſequious, was ſervile, was directed, if you will; but every proceeding was authoriſed and confirmed by parliament. The king in the mean time found himſelf at his eaſe; perhaps believed himſelf abſolute, and conſidered his application to parliaments as an act of mere grace and popular condeſcenſion. At leaſt after ſo long experience of their ſubmiſſion, the elder *James* certainly thought himſelf at liberty to entertain this belief of them. But he was the firſt of our princes that durſt avow this belief plainly and openly. He was ſtimulated, no doubt, to this uſurpation of power in *England* by the memory of his former ſubjection, or ſervitude rather,

rather, to the imperious church of *Scotland*. But this was not all. Succeeding to so fair a patrimony as that of a mighty kingdom, where little or no opposition had been made for some reigns to the will of the sovereign; to a kingdom too, securely settled in the possession of its favoured religion, which had occasioned all the dangers, and produced all the condescension of the preceding princes; bringing, besides, with him to the succession, an undisputed title and the additional splendor of another crown; all these advantages meeting in his person at that point of time, he ventured to give way to his natural love of dominion, and told the people to their face that the pretended rights of their parliaments were but the free gifts and graces of their kings: that every high point of government, that is, every point which he chose to call by that name, was wrapt up in the awful mystery of his prerogative: and, in a word, that "It was sedition for them to dispute what a king may do in the height of his power *".

Such, you know, was the language, the public language to his parliaments, of JAMES THE FIRST. But these pretences, which might have been suffered perhaps, or could not have been opposed under the *Tudor* line, were unluckily out of season, and would not pass on a people who

* Speech to the lords and commons at *Whitehall*, An. 1609.

knew

knew their own rights, had ſaved to themſelves the exerciſe of them, and came now, at length, to feel and underſtand, their importance. For, as I before obſerved, the principal cauſe that had lifted the crown ſo high, was the depreſſions of the barons. The great property which had made them ſo formidable, was diſperſed into other hands. The nobility were therefore too low to give any umbrage to the crown. But the commons were riſing apace, and, in a century, had grown to that height, that, on the acceſſion of the *Scotch* family, the point of time when the new king dreamed of nothing but abſolute ſovereignty*, they were now in a condition to aſſert the public liberty, and, as the event ſhewed but too ſoon, to ſnatch the ſceptre itſelf out of their king's hands.

However, in that interval of the dormant power of the commons it was, that the prerogative made the largeſt ſhoots, till in the end it threatened to overſhadow law and liberty. And, though the general reaſon is to be ſought in the humiliation of the church, the low eſtate of the barons, and the unexerted, becauſe as yet unfelt, greatneſs of the commons, the ſolution will be defective if we ſtop here. For the regal authority, ſo limited by the ancient conſtitution,

* Somebody ſaid well of this king—"That he ſpake peace abroad, and ſung lullaby at home: yet, like a dead calm in a hot ſpring, treaſured up in ſtore ſad diſtempers againſt a back-winter."

and

and by the continued uſe of parliaments, could never, in this ſhort ſpace, have advanced itſelf beyond all bounds, if other reaſons had not co-operated with the ſtate of the people; if ſome more powerful and ſpecial cauſes had not conſpired to throw round the perſon of the ſovereign thoſe rays of ſacred opinion, which are the real ſtrength as well as gilding of a crown.

Of theſe I have occaſionally mentioned ſeveral; ſuch as "the perſonal character and virtues of the princes themſelves; the high adventurous deſigns in which they were engaged; the intereſt, the people found or promiſed to themſelves in ſupporting their power; the conſtant ſucceſſes of their adminiſtration; and the unremitting ſpirit and vigour with which it was carried on and maintained." All theſe conſiderations could not but diſpoſe the people to look up with reverence to a crown, which preſented nothing to their view but what was fitted to take their admiration, or imprint eſteem. Yet all theſe had failed of procuring to majeſty that profound ſubmiſſion which was paid to it, or of elevating the prince to that high conceit of independency which ſo thoroughly poſſeſſed the imagination of king *James*, if an event of a very ſingular nature, and big with important conſequences, had not given the proper occaſion to both.

Sir

Sir J. MAYNARD.

I underſtand you to mean the overthrow of the papal dominion, which had ſo long eclipſed the majeſty of our kings; and held them in a ſtate of vaſſalage, not only to the triple crown, but, which was more diſgraceful, to the mitre of their own ſubjects.

Bp. BURNET.

Rather underſtand me to mean, what was indeed the conſequence of that event, THE TRANSLATION OF THE POPE'S SUPREMACY TO THE KING. This, as I take it, was the circumſtance of all others which moſt favoured the ſudden growth of the imperial power in this nation. And, becauſe I do not remember to have ſeen it enlarged upon, as it deſerves, give me leave to open to you, ſomewhat copiouſly, the nature of this newly acquired headſhip, and the numerous advantages which the prerogative received from it.

THE PAPAL SUPREMACY, as it had been claimed and exerciſed in this kingdom, was a power of the higheſt nature. It controled every rank and order in the ſtate, and, in effect, laid the prince and people together at the mercy of the *Roman* pontif. There is no need to recount the ſeveral branches of this uſurped authority.

thority. It is enough to ſay, that it was tranſcendant in all reſpects that could in any ſenſe be taken to concern religion. And who, that has looked into the papal ſtory, needs be told that, by a latitude of interpretation, every thing was conſtrued to be a religious concern, by which the pope's power or intereſt could be affected?

Under the acknowledgment then of this ſupereminent dominion, no ſteps could poſſibly be taken towards the reformation of religion, or even the aſſertion of the juſt rights and privileges of the crown. But the people were grown to have as great a zeal for the former of theſe conſiderations, as the king for the latter. And in this juncture it was that *Henry*, in a ſudden heat, threw off the ſupremacy; which the parliament, to prevent its return to the pope, very readily inveſted in the king.

There was ſomething ſo daring, and, according to the prejudices of that time, ſo preſumptuous and even prophane in this attempt to transfer the ſpiritual headſhip to a ſecular power, that the pope himſelf little apprehended, and nothing but the king's dauntleſs temper could have aſſured, the ſucceſs of it. The repugnancy which the parliament themſelves found in their own notions betwixt the exerciſe of the ſpiritual and temporal power, was the reaſon, perhaps, for

for inſerting in the act of ſupremacy thoſe qualifying clauſes, we find in it *.

Mr. SOMERS.

It is poſſible, as you ſay, that the parliament might be at a loſs to adjuſt in their own minds the preciſe bounds of the ſpiritual juriſdiction, as united to the civil in the king's perſon. Yet, in virtue of theſe clauſes, the regal ſupremacy was, in fact, reſtrained and limited by act of parliament: and the import of them was clearly to aſſert the independency of the crown on any foreign judicature, and not to confer it in the extent in which it was claimed and exerciſed by the ſee of *Rome*.

Bp. BURNET.

It is true, that no more was expreſſed, or, perhaps, intended in this act. But the queſtion is, how the matter was underſtood by the people at large, and in particular by the king himſelf and his flatterers. Now it ſeems to me that this transfer of the ſupremacy would be taken for a ſolemn acknowledgment, not only of the ancient encroachments and uſurpations of the papacy, but of the king's right to ſucceed to all the powers of it. And I conclude this from the nature of the thing itſelf, from the current notions of the Time, and from the ſequel of the king's government.

* Meaning ſuch clauſes as theſe — *As by any ſpiritual or eccleſiaſtical power or authority may* LAWFULLY *be exerciſed*, and, *provided that nothing be done contrary to the* LAWS *of this realm.*

If

If we attend to the nature of the complaints which the nation was perpetually making, in the days of popery, of the *Roman* uſurpations, we ſhall find that they did not ſo much reſpect theſe uſurpations themſelves, as the perſon, claiming and enjoying them. The grievance was, that appeals ſhould be made to *Rome*, that proviſions ſhould come from thence; in a word, that all cauſes ſhould be carried to a foreign tribunal, and that ſuch powers ſhould be exerciſed over the ſubjects of this realm by a foreign juriſdiction. The complaint was, that the pope exerciſed theſe powers, and not that the powers themſelves were exerciſed. So on the abolition of this ſupremacy, the act that placed it in the perſon of the king, would naturally be taken to transfer upon him all the privileges and pre-eminencies, which had formerly belonged to it. And thus, though the act was ſo properly drawn as to make a difference in the two caſes, yet the people at large, and much more the king himſelf, would infer from the conceſſion, "That the pope had uſurped his powers on the crown," that therefore the crown had now a right to thoſe powers. And the circumſtance of this tranſlation's paſſing by act of parliament, does not alter the matter much, with regard to the king's notion of it. For in that time of danger, and for the greater ſecurity of his new power, he would chuſe to have that ratified and confirmed by ſtatute which

he firmly believed inherent in his perſon and dignity.

Then, to ſee how far the current opinions of that time were favourable to the extenſion of the regal authority, on this alliance with the papal, we are to reflect, that, however odious the adminiſtration of the pope's ſupremacy was become, moſt men had very high notions of the plenitude of his power, and the ſacredneſs of his perſon. "*Chriſt's* vicar upon earth" was an awful title, and had ſunk deep into the aſtoniſhed minds of the people. And though *Henry's* pretenſions went no further than to aſſume that vicarial authority within his own kingdom, yet this limitation would not hinder them from conceiving of him, much in the ſame way as of the pope himſelf. They, perhaps, had ſeen no difference, but for his want of the pope's *ſacerdotal* capacity. Yet even this defect was, in ſome meaſure *, made up to him by his *regal*. So that between the majeſty of the kingly character, and the conſecration of his perſon by this myſterious endowment of the ſpiritual, it is eaſy to ſee how well prepared the minds of men were to allow him the exerciſe of any authority to which he pretended.

* The biſhop does well to ſay—*in ſome meaſure*. For, according to popiſh prejudices, the ſacerdotal character is vaſtly above the regal. See POLE's addreſs to *Henry* VIII, l. 1. where this high point is diſcuſſed at large.

And to what degree this ſpiritual character of head of the church operated in the minds of the people, we may underſtand from the language of men in ſtill later times, and even from the articles of our church, where the prerogative of the crown is ſaid to be that which GODLY KINGS have always exerciſed: intimating that this plenitude of power was inherent in the king, on account of that *ſpiritual and religious* character, with which, as head of the church, he was neceſſarily inveſted. The alluſion, as groſs as we may now think it, was but the ſame which blinded the eyes of the greateſt and wiſeſt people in the old world. For was it not juſt in the ſame manner, that by the policy of the *Roman* emperors in aſſuming the office of pontifex maximus, that is, incorporating the religious with their civil character, their authority became not only the more awful, but their *perſons* ſacred?

We ſee then, as I ſaid, how conveniently the minds of men were prepared to acquieſce in *Henry's* uſurped prerogative. And it is well known that this prince was not of a temper to balk their expectations. The ſequel of his reign ſhews that he took himſelf to be inveſted with the whole eccleſiaſtical power, legiſlative as well as executive; nay, that he was willing to extend his acknowledged right of ſupremacy even to the ancient papal infallibility; as appears from his ſovereign deciſions

deciſions in all matters of faith and doctrine. It is true, the parliament was ready enough to go before or at leaſt to follow the head of the church in all theſe deciſions. But the reaſon is obvious. And I need not repeat to you in what light the king regarded their compliance with him.

Mr. SOMERS.

It is very likely, for theſe reaſons, that the king would draw to himſelf much authority and reverence, at leaſt, from his new title of ſupremacy. But it does not, I think, appear that the ſupremacy had all that effect on the people's rights and the ancient conſtitution, which your lordſhip's argument requires you to aſcribe to it.

Bp. BURNET.

I brought theſe general conſiderations only to ſhew the reverend opinion which of courſe would be entertained of this mixt perſon, THE SUPREME HEAD OF THE CHURCH, compounded of a king and a pope; and how natural a foundation it was for the ſuperſtructure of deſpotic power in all its branches. But I now haſten to the particulars which demonſtrate that this uſe was actually made of that title.

And firſt let me obſerve, that it gave birth to that great and formidable court of the HIGH-COMMISSION; which brought ſo mighty an acceſſion of power to the crown, that, as experience

afterwards ſhewed, no ſecurity could be had for the people's liberties, till it was totally aboliſhed. The neceſſity of the times was a good plea for the firſt inſtitution of ſo dangerous a tribunal. The reſtleſs endeavours of papiſts and puritans againſt the eccleſiaſtical eſtabliſhment gave a colour for the continuance of it. But as all matters that regarded religion or conſcience, were ſubjected to it's ſole cognizance and inſpection, it was preſently ſeen how wide an entrance it gave to the moſt tyrannical uſurpations.

It was further natural that the king's power in civil cauſes ſhould keep pace with his authority in ſpiritual. And fortunately for the advancement of his prerogative there was already erected within the kingdom another court of the like dangerous nature, of ancient date, and venerable eſtimation, under the name of the court of STAR-CHAMBER; which brought every thing under the direction of the crown that could not ſo properly be determined in the high-commiſſion. Theſe were the two arms of abſolute dominion; which, at different times, and under different pretences, were ſtretched forth to the oppreſſion of every man that preſumed to oppoſe himſelf to the royal will or pleaſure. The ſtar-chamber had been kept, in former times, within ſome tolerable bounds; but the high and arbitrary proceedings of the other court, which were found convenient for the further purpoſe of reformation, and

and were therefore conſtantly exerciſed and as conſtantly connived at by the parliament, gave an eaſy pretence for advancing the ſtar-chamber's juriſdiction ſo far, that in the end its tyranny was equally intolerable as that of the high-commiſſion.

Thus the king's authority in all caſes, ſpiritual and temporal, was fully eſtabliſhed, and in the higheſt ſenſe of which the words are capable. Our kings themſelves ſo underſtood it, and when afterwards their parliaments ſhewed a diſpoſition to interfere in any thing relating either to church or ſtate, they were preſently reprimanded and ſternly required not to meddle with what concerned their prerogative royal and their high points of government. Inſtances of this ſort were very frequent in *Elizabeth's* reign, when the commons were getting up, and the ſpirit of liberty began to exert itſelf in that aſſembly. The meaning of all this myſterious language was, that the royal pleaſure was ſubject to no controul, but was to be left to take its free courſe under the ſanction of theſe two ſupreme courts, to which the cognizance of all great matters was committed.

This, one would think, were ſufficient to ſatisfy the ambition of our kings. But they went further, and ſtill under the wing of their beloved ſupremacy.

The parliament were not ſo tame, or the king's grace did not require it of them, to diveſt

themſelves entirely, though it was much checked and reſtrained, by theſe courts, of their legiſlative capacity. But the crown found a way to eaſe itſelf of this curb, if at any time it ſhould prove troubleſome to it. This was by means of the DISPENSING POWER; which, in effect, vacated all laws at once, farther than it pleaſed the king to countenance and allow them. And for ſo enormous a ſtretch of power (which being rarely exerciſed was the leſs heeded) there was a ready pretence from the papal privileges and pre-eminencies to which the crown had ſucceeded. For this moſt invidious of all the claims of prerogative had been indiſputable in the church; and it had been nibbled at by ſome of our kings, in former times, from the contagious authority of the pope's example, even without the pretence which the ſupremacy in ſpirituals now gave for it.

The exerciſe of this power, in the popes themſelves, was thought ſo monſtrous, that MATTHEW PARIS honeſtly complains of it in his time, as *extinguiſhing all juſtice* — EXTINGUIT OMNEM JUSTICIAM *. And on another occaſion, I remember, he goes ſo far, in a ſpirit of prophecy, almoſt, as to tell us the ill uſe that hereafter kings themſelves might be tempted to make of it †. His prediction was verified very ſoon:

* HIST. ANG. p. 694.

† Something to this purpoſe occurs in p 706.

for

for *Henry* III learned this leſſon of tyranny, and put it in practice. On which occaſion one of his upright judges could not help exclaiming, CIVILIS CURIA EXEMPLO ECCLESIASTICÆ CONQUINATUR *. And afterwards, we know, *Henry* VII claimed and exerciſed this diſpenſing power in the caſe of ſheriffs, contrary to act of parliamet †. It was early indeed in his reign, and when the ſtate of his affairs was thought to give a colour to it.

I mention theſe things to ſhew, that, ſince the pope's example had been ſo infectious in former times, it would now be followed very reſolutely when the tranſlation of the very ſupremacy, from which it had ſprung, ſeemed to juſtify it. And we have a remarkable inſtance in *Elizabeth's* reign by which it may appear that this prerogative was

* The name of this reverend judge was ROGER DE THURKEBY. A cauſe was trying before him in *Weſtminſter-Hall*, when one of the parties produced the king's letters patents with a *non-obſtante* in it. "Quod cum comperiſſet, ſays the hiſtorian, ab alto ducens ſuſpiria, de prædictæ adjectionis appoſitione, dixit; Heu, heu, hos ut quid dies expectavimus? Ecce jam civilis curia exemplo eccleſiaſticæ conquinatur, et a ſulphureo fonte rivulus intoxicatur." p. 784. *Hen.* III.

† The biſhop is too conciſe here, contrary to his uſual manner. Many ſtatutes, and eſpecially 23 *Hen.* VI. had forbidden the continuance of any perſon in the office of ſheriff for more than one year. *Henry* VII diſpenſed with theſe ſtatutes. And the twelve judges reſolved, in 2 *Hen.* VII. that, by a *non-obſtante*, a patent for a longer time ſhould be good.— It ſeems, the good old race of the THURKEBY's was now worn out.

publicly and solemnly avowed. For, upon some scandal taken, by the popish party, upon pretence that the book of consecration of bishops was not established by law, the queen made no scruple to declare by her letters patent, that she had, by her supreme authority, dispensed with all causes or doubts of any imperfection or disability in the persons of the bishops. My learned friend, Dr. *Stillingfleet*, in commenting this case, acknowledges the very truth. "It was customary, says he, in the pope's bulls, to put in such kind of clauses, and therefore she would omit no power in that case to which the pope had pretended *."

And it is in this dispensing spirit that *James* I, having delivered it for a maxim of state, "That the king is above law," goes on to affirm, in one of his favourite works, that general laws, made publicly in parliament, may, upon known respects to the king, by his authority, be mitigated and SUSPENDED upon causes only known to him †."

We perceive the ground of that claim, which was carried so high by the princes of the house of *Stuart*, and, as we have just seen, brought on the ruin of the last of them. And to how great a degree this prerogative of the dispensing power had, at length, possessed the minds even of the

* See his *Works*, vol. iii. p. 806.

† The bishop quotes this from *The true law of free monarchies* in the king's works, p. 203.

common

common lawyers (partly from ſome ſcattered examples of it in former times, and partly from reaſons of expediency in certain junctures, but principally from the inveteracy of this notion of the papal ſupremacy) we had an alarming proof in HALE's caſe, when eleven out of the twelve judges declared for it.

Sir J. MAYNARD.

Your lordſhip has indeed ſhewn that the poiſon of the papal ſupremacy began to work very fatally. If this bleſſed revolution had not happened, what could have been expected but that the next ſtep would be, to ſet the crown above all divine as well as human law? And, methinks, after ſuch a judgment in *Weſtminſter Hall*, it could not be ſurpriſing if another ſett of men had ſerved the king, in the office of the pope's janiſaries, and maintained his right of diſpenſing with the goſpel itſelf*, as well as the ſtatute-book.

Mr. SOMERS.

I muſt needs think, Sir *John*, you are a little ſevere, not to ſay unjuſt in this inſinuation; for which the churchmen of our days have ſurely given you no reaſon. And as for the reverend judges, methinks my lord of *Saliſbury* might be

* He alludes, I ſuppoſe, to the doctrine of the canoniſts, who ſay, *Papa diſpenſare poteſt de omnibus præceptis* VETERIS ET NOVI TESTAMENTI. See *biſhop* JEWELL's *apology of the church of England, againſt Harding*, p. 313.

allowed

allowed to expoſe their determination, at the ſame time that he ſo candidly accounts for it.

Bp. BURNET.

I perceive my lord-commiſſioner, with all his goodneſs and moderation, is a little apt to ſurmiſe the worſt of our order. But I will try to reconcile him to it, and it ſhall be in the way, he moſt likes, by making a frank confeſſion of our infirmities.

For another ſource of the regal dominion in later times, and ſtill ſpringing from out of the rock of ſupremacy (which followed and ſuccoured the court-prerogative, wherever it went, juſt as the rock of *Moſes*, the rabbins ſay, journeyed with the *Jewiſh* camp, and refreſhed it in all its ſtations) was the opinion taken up and propagated by churchmen, from the earlieſt æra of the reformation, concerning the irreſiſtible power of kings, and the PASSIVE OBEDIENCE that is due to it.

Sir J. MAYNARD.

Ay, there it is, I am afraid, that we are principally to look for the origin of the high pretences of our kings to abſolute government.

Bp. BURNET.

I ſhall diſſemble no part of the clergy's blame on this occaſion; and there is the leſs need, if I were ever ſo tender of their reputation, as their induce-

inducements to preach up this doctrine were neither ſlight in themſelves, nor unfriendly to the public intereſt.

It cannot be doubted that the churchmen eſpecially, both by intereſt and principle, would be cloſely connected with the new head of the church. Their former ſubjection in ſpirituals to the papal authority would, of itſelf, create a prejudice in favour of it, as now reſiding in the king's perſon. And the diſpoſal of biſhopricks and other great preferments being now entirely in the crown, they would, of courſe, be much addicted to his ſervice.

But theſe were not the ſole, or even principal reaſons that induced ſo wiſe and ſo diſintereſted perſons, as our firſt reformers, to exalt the royal prerogative. They were led into this pernicious practice by the moſt excuſable of all motives, in their ſituation, an immoderate zeal againſt popery.

It is true, a very natural prejudice mixed itſelf with their other reaſonings. "The crown had been declared ſupreme, and to have chief government of all eſtates of this realm, and in all cauſes." And, though this declaration was levelled only againſt the pretenſions of every foreign, and particularly the papal power, yet the clergy were given to conceive of it as a general oppoſition. The reaſon was, that the people, from whom the juſt

juſt right of ſupremacy is derived, having, at this juncture, not yet attained the conſideration, which the nobles had loſt, they forwardly concluded, that if the royal eſtate were independent of the pope, it was unqueſtionably ſo of every other power. They could not, on the ſudden, be brought to think ſo reverendly of the poor people, even in their repreſentatives, as to allow that they had any pretenſion to reſtrain their ſovereign.

Sir J. MAYNARD.

I could ſwear to the truth of this account. One of the popes, I forget which, is ſaid to have called the deputies of the third eſtate in *France*, on a certain occaſion, NEBULONES EX FÆCE PLEBIS *. And though that might not be the language of churchmen in *England*, at this time, it was not far, perhaps, from expreſſing their ſentiments. It is certain, they ſoon taught their princes, who put themſelves to ſchool to the hierarchy †, to talk in this ſtrain; as appears from many of *Elizabeth's* and *James's* ſpeeches to the commons.

* I find this particular taken notice of in King *James's* works, p. 384.

† One of them, King *James*, profited ſo well by this diſcipline, that, as we are told on very competent authority, "He was the moſt able prince that ever this kingdom had, to JUDGE OF CHURCH-WORK." *Ded. of Bp. Andrew's ſermons to Charles* I, *by the biſhops* LAUD AND BUCKERIDGE.

Bp.

Bp. BURNET.

Something of this ſort, I grant you, but not in the degree you put it, might have an influence on the political reaſonings of the clergy. But their zeal for reformation was what prevailed with them moſt, and carried them fartheſt into theſe notions. It is ſomething curious to ſee how this happened.

Henry's uſurpation of the ſupremacy, as it was called at *Rome*, appeared ſo prodigious a crime to all good catholics, that no ſeverities were great enough to inflict upon him for it. Their writers proceeded to ſtrange lengths. Even our cardinal POLE ſo far forgot the greatneſs of his quality, and the natural mildneſs of his temper, as to exceed the bounds of decency in his invectives againſt him. And, when afterwards, in right of this aſſumed headſhip, the crown went ſo far as to reject the authority of the church, as well as court of *Rome*, all the thunders of the Vatican were employed againſt this invader of the church's prerogative. The pope, in his extreme indignation, threatened to depoſe *Edward*. He did put this threat in execution againſt *Elizabeth*. Yet, in ſpite of religious prejudices, this was eſteemed ſo monſtrous a ſtretch of power, and ſo odious to all chriſtian princes, that the jeſuits thought it expedient, by all means, to ſoften the appearance of it. One of their contrivances was,

by ſearching into the origin of civil power, which they brought rightly, though for this wicked purpoſe, from the people. For they concluded, that, if the regal power could be ſhewn to have no divine right, but to be of human and even popular inſtitution, the liberty, which the pope took in depoſing kings, would be leſs invidious. Thus the jeſuits reaſoned on the matter. The argument was puſhed with great vigour by HARDING and his brethren in *Elizabeth's* reign, but afterwards with more learning and addreſs by BELLARMINE, MARIANA, and others *.

To combat this dangerous poſition, ſo prejudicial to the power of kings, and which was meant to juſtify all attempts of violence on the lives of heretical princes, the proteſtant divines went into the other extreme; and to ſave the perſon of their ſovereign preached up the doctrine of DIVINE RIGHT. *Hooker*, ſuperior to every prejudice, followed the truth. But the reſt of our reforming and reformed divines ſtuck to the other opinion; which, as appears from the HOMILIES, the INSTITUTION OF A CHRISTIAN MAN, and the general ſtream of writings in thoſe days, became the opinion of the church, and was indeed the received proteſtant doctrine.

* This notion was ſtarted even ſo early as *Henry's* rejection of the ſupremacy. Cardinal *Pole* inſiſts ſtrongly on this origin of kingſhip in his book, *Pro eccleſiaſticæ unitatis defenſione*, lib. i. p. 74.

And

And thus unhappily arose in the church of *England*, that pernicious system of divine indefeasible right of kings: broached indeed by the clergy, but not from those corrupt and temporising views to which it has been imputed. The authority of those venerable men, from whom it was derived, gave it a firm and lasting hold on the minds of the clergy: and being thought to receive a countenance from the general terms, in which obedience to the civil magistrate is ordained in scripture, it has continued to our days, and may, it is feared, still continue to perplex and mislead the judgments of too many amongst us.

Yet it could hardly have kept its ground against so much light and evidence as has been thrown at different times on this subject *, but for an unlucky circumstance attending the days of reformation. This was the growth of puritanism and the republican spirit; which, in order to justify its attack on the legal constitutional rights of the crown, adopted the very same principles with the jesuited party. And under these circumstances it is not to be thought strange that a principle, however true, which was disgraced by coming through such hands, should be generally condemned and execrated. The

* He means, I suppose, in the writings that were published by political men for twenty years together before the restoration; in which the great question of the origin of civil government was thoroughly canvassed.

crown and mitre had reaſon to look upon both theſe ſorts of men as their mortal enemies. What wonder then they ſhould unite in reprobating the political tenets on which their common enmity was juſtified and ſupported?

This I take to be the true account of what the friends of liberty ſo often object to us, "That the deſpotiſm of our later princes has been owing to the ſlaviſh doctrines of the clergy." The charge ſo far as there is any colour for it, is not denied: and yet I ſhould hope to ſee it urged againſt us with leſs acrimony, if it were once underſtood on what grounds theſe doctrines were taken up, and for what purpoſes they were maintained by the clergy.

Mr. SOMERS.

Beſides the candour of this acknowledgment, the part, which our clergy have lately acted, is, methinks, enough to abate and correct thoſe hard ſentiments, which, as you ſay, have been entertained againſt them.

Sir J. MAYNARD.

This apology ſeems indeed the beſt that can be made for them. But when one conſiders the baleful tendency of thoſe doctrines, which were calculated to enſlave the very ſouls and conſciences of men, and, by advancing princes into the rank of Gods, to abet and juſtify their tyranny,

ny, one cannot help feeling a ſtrong reſentment againſt the teachers of them, however they might themſelves be impoſed upon by ſeveral colourable pretences. Your lordſhip knows, I might proceed to further and ſtill harder reflections. But I have no pretence to indulge in them at this time, when a biſhop is pleading ſo warmly in the cauſe of liberty.

Bp. BURNET.

This tenderneſs to your friends, Sir *John*, is very obliging. But I would willingly engage your candour, in behalf of our order. Let me preſume, for ſuch a purpoſe, to ſecond Mr. *Somers's* obſervation, "That the *Engliſh* clergy have at length attoned in ſome meaſure, for former miſcarriages."

Sir J. MAYNARD.

By their behaviour in a late critical conjuncture: and yet, to ſpeak my mind frankly, the merit of their ſervices, even on that occaſion, is a little equivocal when one reflects how unwilling they ſeemed to take the alarm, till they were rouzed, at length, by their own immediate object, the church's danger?

Bp. BURNET.

And can you wonder that what concerned them moſt, what they beſt underſtood, and was their proper and peculiar charge, ſhould engage

their principal attention? Beſides, they went on principle, and with reaſon too, in ſuppoſing that no ſlight or partial breaches of law were ſufficient to authorize reſiſtance to the magiſtrate *. But when a general attack was made upon it, and the diſpenſing power was ſet up in defiance of all law, and to the manifeſt ſubverſion of the conſtitution, the clergy were then as forward as any others to ſignalize themſelves in the common cauſe of liberty.

Sir J. MAYNARD.

Their old favourite doctrine of *non-reſiſtance* was, I doubt, at the bottom of this cautious proceeding. But it was high time for them to lay it aſide, when they ſaw it employed as the ready way for the introduction of that popery, which, as you ſay, it was its firſt intention to keep out.

Bp. BURNET.

It certainly was.—But not to purſue this argument any farther, let me return to the main point I had in view, which was "to account for the growth of the regal power from the influence of the transferred ſupremacy." There is ſtill another inſtance, behind, which ſhews how well our

* The biſhop declares his opinion to this purpoſe very fully in ſeveral places of the hiſtory of his own times. His and his friend *Tillotſon's* repreſentations to the unhappy lord *Ruſſell*, no doubt, turned upon this principle.

princes

princes underſtood the advantage they had gained, and how dextrouſly they improved it.

It ſeems prodigious, at firſt ſight, that when the yoke of *Rome* was thrown off, the new church, erected in oppoſition to it, ſhould ſtill continue to be governed by the laws of the old. The pretence was, that this was only by way of interim, till a body of eccleſiaſtical laws could be formed: and to cover this pretence the better, ſome ſteps were, in fact, taken towards the execution of ſuch a deſign. But the meaning of the crown certainly was to uphold its darling ſupremacy, even on the old footing of the canon laws. This concluſion ſeems probable, if one conſiders thoſe canons proceeded from an abſolute ſpiritual monarch, and had a perpetual reference to his dominion; that they were formed upon the very genius, and did acknowledge the authority of the civil laws, the proper iſſue, as my lord-commiſſioner has ſhewn us, of civil deſpotiſm. Whoever, I ſay, conſiders all this, will be inclined to think that the crown contrived this interim from the uſe the canon law was of to the extenſion of the prerogative. Accordingly it is certain, that the ſucceeding monarchs, *Elizabeth*, *James*, and *Charles*, would never ſuffer us to have a body of eccleſiaſtical laws, from a ſenſe of this utility in the old ones; and a conſciouſneſs, if ever they ſhould ſubmit a body of new laws to the legiſlature, the parlia-

ment would form them altogether in the genius of a free church and ſtate *; and perhaps would be for aſſuming a ſhare in their darling ſupremacy itſelf.

With thoſe canon laws, and for the ſame purpoſe, as was obſerved to us, theſe princes retained a great affection for the interpreters of them, the canon and civil lawyers; till the genius of liberty riſing and prevailing, in the end, over all the attempts of civil deſpotiſm, both the one and the other fell into gradual deſuetude and contempt: and as the canoniſts were little regarded, ſo their law is now conſidered no further than as it is countenanced and ſupported by the law of *England*.

But to ſee how convenient the doctrine of the canon law was for the maintenance of an abſolute ſupremacy, it needs only be obſerved that one of theſe canons, is, "That it is not lawful for any man to diſpute of the pope's power." And to ſee how exactly our kings were diſpoſed to act upon it, one needs only recollect that immortal apothegm of the elder *James*, already taken notice of, "That it is ſedition for the ſubject to diſpute what a king may do in the height of his power."

And as the canon laws are the pope's laws, ſo we are told on the ſame ſupreme authority, that

* The biſhop gives the ſame account of this matter in his *Hiſtory of the Reformation*. Part i. p. 330.

the *Engliſh* laws are the king's. For thus on another occaſion his majeſty expreſſes himſelf.--- "Although a juſt prince (I believe I repeat his very words) will not take the life of any of his ſubjects without a clear law: Yet the ſame laws, whereby he taketh them, are made by himſelf, or his predeceſſors; and ſo the power flows always from himſelf."---And again, "Although a good king will frame all his actions to be according to the law, yet is he not bound thereto but of his good will, and for good example giving to his ſubjects *."

Thus decreed that *great ſchool-maſter of the whole land* (to give his majeſty no harder a title than he was pleaſed to give himſelf) and it is difficult to ſay whence his ſupremacy extracted this golden rule of *free monarchies*, if not from the pope's own code of imperial canons.

Thus it appears what miſconceptions aroſe, and what ſtrange concluſions were drawn from the king's ſupremacy in ſpirituals. One might proceed further in contemplation of this ſubject, but

* TRUE LAW OF FREE MONARCHIES, p. 203.—What is ſaid of the king's being the *great ſchoolmaſter of the land* is taken from the ſame diſcourſe, p. 204. His words are theſe---"The people of a borough cannot diſplace their provoſt---yea, even the poor ſchool-maſter cannot be diſplaced by his ſcholars---How much leſs is it lawful upon any pretext to control or diſplace the great provoſt and GREAT SCHOOL-MASTER OF THE WHOLE LAND!"

I have wearied you too much already. You will ſee from theſe ſeveral particulars how it came to paſs that the REFORMATION, which was founded on the principles of liberty and ſupported by them, was yet for ſome time the cauſe of ſtrengthening the power of the crown. For though the exerciſe of private judgment, which was eſſential to proteſtantiſm, could not but tend to produce right notions of civil liberty, as well as of religious faith and diſcipline, and ſo in the end was fated to bring about a juſt form of free government (as after ſome ſtruggles and commotions, we ſee it has happened) yet the tranſlation of ſupremacy from the pope to the civil magiſtrate brought with it a mighty acceſſion of authority which had very ſenſible effects for ſeveral reigns afterwards. The myſterious ſacredneſs and almoſt divinity which had lodged in the pope's perſon, was now inſhrined in the king's; and it is not wonderful that the people ſhould find their imaginations ſtrongly affected by this notion. And with this general preparation, it followed very naturally that, in the ſeveral ways here recounted, the crown ſhould be diſpoſed and enabled to extend its prerogative, till another change in the government was required to limit and circumſcribe it, almoſt as great as that of the reformation.

Mr. SOMERS.

I have liſtened with much pleaſure to this deduction which your lordſhip has made from that important

important circumſtance of the crown's ſupremacy in ſpirituals. I think it throws great light on the ſubject under conſideration, and accounts in a clear manner for that appearance of deſpotiſm which the *Engliſh* government has worn from the times of reformation. I have only one difficulty remaining with me: but it is ſuch an one as ſeems to bear hard on the great hypotheſis itſelf, ſo learnedly maintained by my lord commiſſioner in our late converſation, of the original free conſtitution of the *Engliſh* government. For allowing all you ſay to be true, does not the very transfer of the pope's ſupremacy to the king, conſidered in itſelf, demonſtrate that we had then, at leaſt, no conſtitution at all, to be invaded by the high claims of that prerogative? I explain this queſtion by aſking another. Upon the true principles * of the nature of the two ſocieties, ſpiritual and temporal (at leaſt as I conceive of them) allied together, does not it follow that the ſupremacy of the church ſhould devolve upon the ſupreme civil power; which with us, according to the preſent ſuppoſition, is in the three eſtates of the legiſlature? But this devolution, it ſeems, was

* It were to be wiſhed that Mr. *Somers* had explained himſelf further on theſe *true principles of* ALLIANCE BETWIXT CHURCH AND STATE. One ſhould then have ſeen what to think of a late ſyſtem, under that name, which the diſſenters to a man, and ſome *moderate* divines of the eſtabliſhed church, have taken offence at. It is to be feared the author is one of thoſe men, that wiſh to ſee things continue as they are; and not, as the ſaints yearn, to ſee the rubbiſh of human ordinances taken out of the way, and the godly work of reformation puſhed on to GOSPEL-PERFECTION.

on the king alone; a public acknowledgment, as I take it, that the conſtitution of the government was at that time conceived to be, in the higheſt ſenſe of the word, abſolutely MONARCHICAL.

Bp. BURNET.

I was not, I confeſs, aware of this objection to our theory, which is very ſpecious. Yet it may be ſufficient, as I ſuppoſe, to reply to it, that the work of reformation was carried on and eſtabliſhed by the whole legiſlature; and that the ſupremacy, in particular, though it of right belonged to the three eſtates, was by free conſent ſurrendered and given up into the hands of the king. It is certain this power, though talked of as the ancient right of the crown, was ſolemnly inveſted in it by act of parliament!

Sir J. MAYNARD.

There may be ſomething in this. Yet your lordſhip, I think, does not carry the matter quite far enough; and, with your leave, I will preſume to give another, and perhaps the truer anſwer to Mr. *Somers's* difficulty. The ſubject is a little nice, but I have not thoſe ſcruples which may reaſonably be conceived to reſtrain your lordſhip from enlarging upon it.

I reply then directly, and without ſoftening matters, that this irregular transfer of the ſupremacy

macy is no proof, that there was not then a CONSTITUTION, with a legitimate power in it, to which the ſupremacy belonged. And my reaſon, without offence to my lord of *Saliſbury*, is this. When the papal authority was aboliſhed, and the queſtion came into parliament, who now became the head of the church, the ſearch after him was not carried where it ſhould have been, into the conſtitution of the kingdom, but, as it was a matter of religion, they miſtook that, which was only an affair of church-diſcipline, to be a doctrine of theology; and ſo ſearched, for a ſolution of the queſtion, in the New Teſtament, and Eccleſiaſtical Hiſtory. In the firſt, obedience is preſſed to the perſon of *Cæſar*, becauſe an abſolute monarchy was the only government in being; and for the ſame reaſon, when afterwards the empire became chriſtian, the ſupremacy was aſſumed by the emperor; as it would have been by the conſul and ſenate, had the republic exiſted. Hence our reformers, going altogether by eccleſiaſtical example, and hoping to preſerve their credit againſt the reproaches of *Rome*, which, as your lordſhip knows, was perpetually charging them with novelties and innovations, recurred to early antiquity for that rule.

This laſt, I ſuppoſe, was a conſideration of convenience; the other, of conſcience. And thus by force of one text, ill-underſtood, *render unto Cæſar the things which are Cæſar's*, they put the ſpiritual ſword

ſword into the king's hands; juſt as by another, *he beareth not the ſword in vain* (for I know of no better authority) the temporal ſword had alſo been committed to his care.

Mr. SOMERS.

This laſt intimation, I am apprehenſive, would bear a further debate *. But I acquieſce in your anſwer to my particular queſtion; I mean, unleſs the biſhop of *Saliſbury* warns me againſt ſubmitting to ſo heretical a doctor.

Bp. BURNET.

My lord commiſſioner chuſes to let ſlip no opportunity of expoſing what he takes to be an error in eccleſiaſtical management. Either way, however, I am not diſpleaſed to find that his main theſis keeps its ground; and that, even according to his own account of the matter, the nation, when it gave up the ſupremacy to the king, was in poſſeſſion of a free and legal conſtitution.

On the whole, you give me leave then to preſume that the conſiderations, now offered to you, afford a reaſonable account of that deſpotic form under which the *Engliſh* government has appeared from the union of the two roſes down to the ſub-

* Mr. *Somers* had reaſon for ſaying this; for the intimation was no leſs than that the power of the *militia* was not in the king. It is certain, Sir *J. Maynard* was of this opinion when the matter was debated in parliament in 1642. See *Whitlocke*, p. 56.

verſion

verſion of the conſtitution in *Charles* the Firſt's time.

Other cauſes concurred; but the reformation was the chief prop and pillar of the imperial dignity, while the conſtitution itſelf remained the ſame, or rather was continually gaining ſtrength even by the neceſſary operation of thoſe principles on which the reformation was founded. Religious liberty made way for the entertainment of civil, in all its branches. It could not be otherwiſe. It diſpoſed the minds of men to throw off that ſluggiſhneſs, in which they had ſlumbered for many ages. A ſpirit of inquiry prevailed. Inveterate errors were ſeen through; and prejudices of all ſorts fell off in proportion to the growth of letters, and the progreſs of reaſon.

The encreaſing trade and wealth of the nation concurred with the temper of the times. The circulation of property brought on a natural relaxation of the feudal ſyſtem. The plan of liberty was extended and enlarged; and the ballance of power ſoon fell into the hands of the people. This appeared very plainly from the influence of parliaments, and the daring attacks of many particular members on the higheſt and moſt favoured claims of prerogative. Our kings were ſenſible of the alteration: but, inſtead of prudently giving way to it, they flew into the oppoſite extreme, and provoked the ſpirit of the times by the

the very reluctance they ſhewed on all occaſions to comply with it. Every dormant privilege of the crown, every phantom of prerogative, which had kept the ſimpler ages in awe, was now very unſeaſonably conjured up to terrify all oppoſers to encroaching royalty. Lawyers and churchmen were employed in this ſervice. And in their fierce endeavour to uphold a tottering throne by falſe ſupports, they entirely overthrew it. The nation was out of all patience to hear the one decree the empire of the kings of *England* to be abſolute and uncontrollable by human law: And the other gave more offence, than they found credit, by pretending that the right of kings to ſuch empire was divine*. Every artifice

* The doctrines of divine right, as propagated by the churchmen of that time in their books and ſermons, are well known.—The deciſions of the lawyers were ſuch as theſe—It had been alledged on the part of Mr. *Hampden* in the great cauſe of ſhipmoney, "That by a fundamental policy in the creation of the frame of this kingdom, in caſe the monarch of *England* ſhould be inclined to exact from his ſubjects at his pleaſure, he ſhould be reſtrained, for that he could have nothing from them, but upon a common conſent of parliament." Sir *Robert Berkely*, one of the judges of the King's-bench affirmed—"That the law knows no ſuch king-yoking policy:"—Sir *Thomas Trevor*, one of the barons of the Exchequer, "That our king hath as much power and prerogative belonging to him as any prince in *Chriſtendom*:" The attorney general, Sir *John Banks*, "That the king of *England* hath an entire empire; he is an abſolute monarch: nothing can be given to an abſolute prince, but is inherent in his perſon." *State Trials*, vol. i. Such was the language of the guardians of the law, the temple or ſanctuary, as it has been called, whither the ſubject is to run for ſhelter and protection. Had not Mr ST. JOHN then much reaſon for ſay-

indeed

indeed of chicane and ſophiſtry was called in to the ſupport of theſe maxims of law and theology. But the ſeaſon for religious and civil liberty to prevail over the impotent attempts of each, was at hand. The near approach of the *divine form* created an enthuſiaſm, which nothing could reſiſt. It fruſtrated the generous views even of her firſt and ſincereſt worſhipers. In the career of thoſe ecſtatic orgies, the unhappy king could not prevent his miniſters, firſt, and afterwards

ing, as he did on that occaſion, "We have the fabric of the temple ſtill; but the gods, the DII TUTELARES, are gone." There is the more force and propriety in this cenſure, as it comes from a man who was himſelf of the profeſſion. And another of the ſame order, the beſt and wiſeſt perhaps that preſided in thoſe days in the temple of law, proceeds with a juſt indignation ſtill farther—"Theſe men (ſaid Mr. HIDE in a ſpeech to the lords) have, upon vulgar fears, delivered up the precious ſorts they were truſted with, almoſt without aſſault; and in a tame eaſy trance of flattery and ſervitude, loſt and forfeited (ſhamefully forfeited) that reputation, awe and reverence, which the wiſdom, courage, and gravity of their venerable predeceſſors had contracted and faſtened to their places; and have even rendered that ſtudy and profeſſion, which in all ages hath been, and I hope now ſhall be, of honourable eſtimation, ſo contemptible and vile, that had not this bleſſed day come (the day of impeachment of the ſix judges) all men would have had that quarrel to the law itſelf, which *Marcius* had to the *Greek* tongue, who thought it a mockery to learn that language, the maſters whereof lived in bondage under others."—Thus theſe eloquent apologiſts for law and liberty. The concluſion is, that, though in the great bodies of churchmen and lawyers, ſome will always be found to diſhonour their profeſſion, there have never been wanting others to do juſtice to the public, and to aſſert, maintain, and preſerve the dignity of their reſpective orders.

the

the conſtitution itſelf, from falling a victim to that fury, which, in the end, forced off his own head.

Such was the iſſue of this deſperate conflict between prerogative and liberty. The wonder was, that this fatal experience ſhould not have rectified all miſtakes, and have ſettled the government on a ſure and laſting baſis at the reſtoration. The people were convinced, that nothing more was requiſite to their happineſs, than the ſecure poſſeſſion of their ancient legal conſtitution. The recalled family were not ſo wiſe. And in their attempts to revive thoſe old exploded claims, which had ſucceeded ſo ill with their predeceſſors, they once more fell from the throne, and left it to the poſſeſſion of that glorious prince whom the greatly injured nation has now called to it.

THIS THEN will be conſidered by grateful poſterity as the true æra of *Engliſh* liberty. It was interwoven indeed with the very principles of the conſtitution. It was incloſed in the ancient trunk of the feudal law, and was propagated from it. But its operation was weak and partial in that ſtate of its infancy. It acquired freſh force and vigour with age, and has now at length extended its influence to every part of the political ſyſtem.

Hence-

Henceforward, may we not indulge in the expectation that both prince and people will be too wise to violate this glorious constitution: the only one in the records of time, which hath ever attained to the perfection of civil government? All the blessings of freedom which can consist with kingly rule, the people have: all the prerogatives of royalty, which can consist with civil freedom, are indulged to the king. From this just intermixture of the popular and regal forms, planted together in the earliest days, but grown up, at length, to full maturity, there arises a reasonable hope that the *English* constitution will flourish to the latest ages; and continue, through them all, the boast and glory of our country, and the envy and admiration of the rest of the world.

Mr. SOMERS.

How generous in your lordship is this patriot augury of immortality to the *English* constitution! Yet I dare not be so sanguine in my expectations *.

* A great lawyer however, and one of the ornaments of Mr. *Somers's* own house, is not afraid to indulge in these generous expectations. In a late treatise, in which he explains, with exquisite learning, the genius of the feudal policy, "These principles, says he, are the principles of freedom, of justice, and safety. The *English* constitution is formed upon them. Their reason will subsist, as long as the frame of it shall stand; and being maintained in purity and vigour, will preserve it from the usual mortality of government." *Considerations on the Law of forfeiture.* 3d Ed. *Lond.* 1748.

And

And Sir *John Maynard*, I ſuſpect, who has ſeen the madneſs of kings and people, in their turns, will hardly expect it from me. It may be ſufficient that we put up our ardent vows to heaven for the long continuance of it. Leſs than this cannot be diſpenſed with in an honeſt man. Every bleſſing of civil policy is ſecured to us by this new, but conſtitutional, ſettlement. And may our happy country enjoy it, at leaſt as long as they have the ſenſe to value, and the virtue to deſerve, it.

Sir J. MAYNARD.

When theſe fail, our wiſhes, and even prayers themſelves will hardly preſerve us. Vice and folly, as you ſay, may do much towards defeating the purpoſes of the beſt government. What effect theſe may have, in time, on the *Engliſh* liberty, I would not, for the omen's ſake, undertake to ſay. You, my lord, and Mr. SOMERS (who are ſo much younger men) may be able, hereafter, to conjecture with more certainty of its duration. It is enough for me that I have lived to ſee my country in poſſeſſion of it.

FINIS.

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